



Mobile Shower Units (Statewide)

Request for Proposals

December, 2024

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1. Introduction and Background

1.1 Purpose of the Request for Proposal

The New York State Office of Mental Health (OMH) announces the availability of one-time funding for the purchase and modification of a Mobile Shower Unit.

Lack of access to basic public sanitation and hygiene facilities creates barriers to service engagement and participation as well as heightened risk for infectious and non-infectious disease for unhoused individuals. Providing access to such hygiene facilities allows for unhoused individuals to increase their confidence by meeting their basic hygiene needs in order to more successfully engage and participate in services such as Mental Health and/or Substance Use Disorder treatment, housing readiness and navigation, and employment support. Mobile Shower Units also create a trusted location where individuals can be provided an array of referrals to services more easily.

Successful applicants will need to demonstrate their agency's capacity to develop and operate a mobile shower unit, including to secure ongoing funding for operation.

1.2 Target Population/Eligibility Criteria

The target population is individuals in NY experiencing street homelessness, and those in temporary shelter settings.

2. Proposal Submissions

2.1 Designated Contact/Issuing Officer

OMH has assigned an Issuing Officer for this project. The Issuing Officer or a designee shall be the sole point of contact regarding the RFP from the date of issuance of the RFP until the issuance of the Notice of Conditional Award. To avoid being deemed non-responsive, a applicant is restricted from making contact with any other personnel of OMH regarding the RFP. Certain findings of non-responsibility can result in rejection for a contract award. The Issuing Officer for this RFP is:

Carol Swiderski
Contract Management Specialist 3
New York State Office of Mental Health
Contracts and Claims
44 Holland Avenue, 7th Floor
Albany, NY 12229
omhlocalprocurement@omh.ny.gov

2.2 Key Events/Timeline

RFP Release Date	12/23/24
Questions Due	1/22/25
Questions and Answers Posted on Website	2/3/25

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Proposals Due by 2:00 PM EST	3/3/25
Anticipated Award Notification	4/8/25
Anticipated Contract Start Date	TBD

2.3 Disposition of Proposals

All proposals received by the due date become property of OMH and shall not be returned. The successful proposal will be incorporated into the resulting contract and will be public record. Any proposals received after the due date will be returned to the applicant unopened.

2.4 Eligible Agencies

Eligible applicants are not-for-profit agencies with 501(c) (3) incorporation that have at least three years experience providing services for the homeless.

Please be advised that all questions regarding Eligibility will be responded to through the official posting of the Questions and Answers. No questions about Eligibility will be responded to either individually or prior to the posting of the Q&As.

2.5 RFP Questions and Clarifications

All questions or requests for clarification concerning the RFP shall be submitted in writing to the Issuing Officer by e-mail to omhlocalprocurement@omh.ny.gov by 4:00 PM EST on the "Questions Due" date indicated in section 2.2 and will be limited to addressing only those questions submitted by the deadline. No questions can be submitted or will be answered after this date. No questions will be answered by telephone or in person.

Please put "Mobile Shower Units" in the Subject.

The questions and official answers will be posted on the OMH website by date indicated in Section 2.2.

2.6 Addenda to Request for Proposals

In the event that it becomes necessary to revise any part of the RFP during the application submission period, an addendum will be posted on the OMH website and the NYS Contract Reporter.

It is the applicant's responsibility to periodically review the OMH website and the NYS Contract Reporter to learn of revisions or addendums to this RFP. No other notification will be given.

2.7 Disqualification Factors

Following the opening of bids, a preliminary review of all proposals will be conducted by the Issuing Officer or a designee to review each proposal's submission for completeness and verify that all eligibility criteria have been met. Additionally, during the proposal evaluation process, evaluators will also be reviewing eligibility criteria and confirming that

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they have been met. During the course of either of these review processes, proposals that do not meet basic participation standards will be disqualified, specifically:

- Proposals from applicants that do not meet the eligibility criteria as outlined in 2.4; or
- Proposals that do not comply with bid submission and/or required format instructions as specified in 2.8 or

2.8 Instructions for Bid Submission and Required Format

Each proposal is required to contain:

- Agency Transmittal Form (Attachment A)
- Proposal Narrative
- Operating budget – for each year of the contract (Appendix B)
- Budget narrative (Appendix B1)
- Entire submission, as on continuous Word or PDF document, submitted via email to omhlocalprocurement@omh.ny.gov by the due date and time as indicated in Section 2.2.

The Proposal Narrative must respond to the criteria in the sequence as outlined in Section 6 and should be concise (no more than 20 pages, not including attachments), one-sided 12-point font. Please number pages “1 of 20”, etc. The Operating Budget and Budget Narrative (Appendix B and B1) are separate documents that appear in the RFP section of the OMH website and can be downloaded in. Applicants must NOT substitute their own budget format. **Failure to use the provided Operating Budget and Budget Narrative formats may result in disqualification for non-responsiveness.**

Applicants must submit one complete copy of the full proposal package to omhlocalprocurement@omh.ny.gov by the due date and time listed in Section 2.2.

Each package must include the required proposal components cited above.

Please put “Mobile Shower Units RFP Proposal” in the Subject.

All proposals received after the due date and time cannot be accepted and will be returned unopened.

2.9 Mandatory Qualification Submission Requirements – Other Documents

DOCUMENTS ARE FOUND ONLY ON THE NYS CONTRACT REPORTER

The submission of a bid/proposal and proof of meeting minimum qualifications constitutes a binding offer to perform said services. Such binding offer shall be firm and not revocable for a period of 120 days after the deadline for bid/proposal

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submission and will continue thereafter until the Successful Applicant notifies OMH otherwise, in writing. Such deadline may be extended further by mutual agreement.

OMH reserves the right to disqualify any bid that does not include the required documents as outlined in the list below.

Documentation must be submitted by applicants on or before the bid due date. Place the completed Bid Submission Checklist as the first page of the bid package, with the following documents, in order, to follow:

- i. Attachment A – Transmittal Form
- ii. Attachment B – Non-Collusive Bidding Certificate: Complete and return with bid. Required by Section 139-D of State Finance Law
- iii. Attachment C – Vendor Responsibility Questionnaire (VRQ) and Vendor Registration Number Information: Include either hard copy VRQ or online certification. For any entity not already registered to do business with New York State entities, access the link in Attachment C for the Substitute W-9. Complete the online form electronically, download the completed form, and sign in the designated area. Return the completed W-9 with the other bid documents to the designated individual at the OMH facility. All vendors are required to have a vendor registration number to do business with New York State.
- iv. Attachments J1 and J2: Complete Applicant’s Affirmation of Understanding (J1), and OMH Applicant Disclosure of Prior Non-Responsibility Determinations/Attachment (J2).
- v. Appendix A-1(a) – MWBE/EEO Policy Statement: Complete per the instructions
- vi. Attachment D – EEO Employment Opportunity Policy Statement: Complete and return with bid.
- vii. Attachment E – EEO Employment Opportunity Staffing Plan: Complete and return with bid.
- viii. Attachment G – Sexual Harassment Prevention Certification: Complete Certification for or provide attestation of inability to comply and return with bid.
- ix. Attachment F – MacBride Fair Employment Principles: Complete and return with bid.

2.10 Contract Provisions

The RFP, all information submitted in the applicant’s proposal and any revisions hereto, any follow up questions and answers and any RFP addenda or amendments will be included as part of the successful applicant’s contract.

3. Administrative Information

3.1 Reserved Rights

OMH reserves the right to:

- Reject any or all proposals received in response to the RFP that are deemed non-responsive or do not meet the minimum requirements or are determined to be otherwise unacceptable, in the agency’s sole discretion;
- Withdraw the RFP at any time, at the agency’s sole discretion

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- Make an award under the RFP in whole or in part;
- Disqualify and applicant whose conduct and/or proposal fails to conform to the requirements of the RFP;
- Seek clarifications and revisions of proposals for the purposes of assuring a full understanding of the responsiveness to this solicitation requirements;
- Use proposal information obtained through the state's investigation of an applicant's qualifications, experience, ability or financial standing, and any material or information submitted by the applicant in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFP;
- Prior to the bid opening, direct applicants to submit proposal modifications addressing subsequent RFP amendments;
- Prior to the bid opening, amend the RFP specifications to correct errors or oversight, supply additional information, or extend any of the scheduled dates or requirements and provide notification to potential bidders via the OMH website and the New York State (NYS) Contract Reporter;
- Eliminate any non-material specifications that cannot be complied with by all of the prospective applicants;
- Waive any requirements that are not material;
- Negotiate any aspect of the proposal with the successful applicant in order to ensure that the final agreement meets OMH objectives and is in the best interests of the State;
- Conduct contract negotiations with the next responsible applicant, should the agency be unsuccessful in negotiating with the selected applicant;
- Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an applicant's proposal and/or to determine a applicant's compliance with the requirements of the solicitation;
- Cancel or modify contracts due to insufficiency of appropriations, cause, convenience, mutual consent, non-responsibility, or a "force majeure";
- Change any of the scheduled dates stated in the RFP.

3.2 Debriefing

OMH will issue award and non-award notifications to all applicants. Non-awarded applicants may request a debriefing in writing requesting feedback on their own proposal, within 15 business days of the OMH dated letter. OMH will not offer debriefing to providers who are awarded a team. OMH will not offer ranking, statistical, or cost information of other proposals until after the NYS Office of the State Comptroller has approved all awards under this RFP. Written debriefing requests may be sent to the Designated Contact, as defined in Section 2.1.

3.3 Protests Related to the Solicitation Process

Protests based on errors or omissions in the solicitation process, which are or should have been apparent prior to the deadline for receipt of all written questions for this RFP, must be filed prior to the deadline for questions. In the event an applicant files a timely protest based on error or omission in the solicitation process, the Commissioner of OMH or their designee will review such protest and may, as appropriate, issue a written response or addendum to the RFP to be posted on the OMH website in the RFP section. Protests of an award decision must be filed within fifteen (15) business days after the notice of conditional

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award or five (5) business days from the date of the debriefing. The Commissioner or their designee will review the matter and issue a written decision within twenty (20) business days of receipt of protest.

All protests must be in writing and must clearly and fully state the legal and factual grounds for the protest and include all relevant documentation. The written documentation should clearly state reference to the RFP title and due date. Such protests must be submitted to:

New York State Office of Mental Health
Commissioner Ann Marie T. Sullivan, M.D.
44 Holland Ave
Albany, NY 12229

3.4 Term of Contracts

The contracts awarded in response to this RFP will be for a three-year term. Selected applicants awarded a contract under this RFP will be required to adhere to all terms and conditions in OMH's Master Non-Grant Contract. OMH reserves the right to change the contract period for the first year so that it is more or less than 12 months in order to align the contract with the appropriate January-December contract cycle.

3.5 Minority and Women Owned Business Enterprises

OMH recognizes its obligation to promote opportunities for maximum feasible participation of certified minority and women-owned business enterprises (MWBEs) and the employment of minority group members and women in the performance of OMH contracts. In accordance with New York State Executive Law Article 15-A, OMH hereby establishes a 16% goal for Minority-owned Business Enterprise (MBE) participation, a 14% goal for Women-owned Business Enterprise (WBE) participation, based on the current availability of qualified MWBEs, on any award resulting from this solicitation in excess of \$25,000 for commodities and services or \$100,000 for construction.

With respect to MWBEs, each award recipient must document its good faith efforts to provide meaningful opportunities for participation by MWBEs as subcontractors and suppliers in the performance of the project to be described in each grant disbursement agreement, and must agree that OMH may withhold payment pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at <https://ny.newnycontracts.com>. For guidance on how OMH will determine a contractor's "good faith efforts", refer to 5 NYCRR §142.8.

In accordance with 5 NYCRR § 142.13, each award recipient acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth herein and in its grant disbursement agreements, such finding constitutes a breach of contract and OMH may withhold payment from the award recipient as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the award recipient achieved the contractual MWBE goals; and (2) all sums paid to MWBEs for work performed or material supplied under the grant disbursement agreement.

By applying, an Applicant agrees to demonstrate its good faith efforts to achieve its goals for the utilization of MWBEs by submitting evidence thereof in such form as OMH shall

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require. Additionally, an Applicant may be required to submit the following documents and information as evidence of compliance with the foregoing:

A. An MWBE Utilization Plan, which shall be submitted in conjunction with the execution of the grant disbursement agreement except as otherwise authorized by OMH. Any modifications or changes to the MWBE Utilization Plan after the execution of the grant disbursement agreement must be reported on a revised MWBE Utilization Plan and submitted to OMH.

OMH will review the submitted MWBE Utilization Plan and advise the award recipient of OMH acceptance or issue a notice of deficiency within 30 days of receipt.

B. If a notice of deficiency is issued, the award recipient will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to OMH, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by OMH to be inadequate, OMH shall notify the award recipient and direct the award recipient to submit within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

OMH may refuse to enter into a grant disbursement agreement, or terminate an existing grant disbursement agreement resulting from this solicitation, under the following circumstances:

- a. If an award recipient fails to submit a MWBE Utilization Plan;
- b. If an award recipient fails to submit a written remedy to a notice of deficiency;
- c. If an award recipient fails to submit a request for waiver; or,
- d. If OMH determines that the award recipient has failed to document good faith efforts

The award recipient will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the project. Requests for a partial or total waiver of established goal requirements may be made at any time during the term of the project, but must be made no later than prior to the submission of a request for final payment under the grant disbursement agreement.

Each award recipient will be required to submit a Quarterly MWBE Contractor Compliance & Payment Report to OMH over the term of the project, in such form and at such time as OMH shall require, documenting the progress made toward achievement of the MWBE goals established for the project.

3.6 Participation Opportunities for New York State Certified Service-Disabled Veteran Owned Business

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Business (SDVOB), thereby further integrating such businesses into New York State's economy. OMH recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of OMH contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, applicants are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such

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participation may be as subcontractors or suppliers, as proteges, or in other partnering or supporting roles.

OMH hereby establishes an overall goal of 6% for SDVOB participation, based on the current availability of qualified SDVOBs. For purposes of providing meaningful participation by SDVOBs, the Applicant/Contractor would reference the directory of New York State Certified SDVOBs found at <https://ogs.ny.gov/Veterans>. Additionally, following any resulting Contract execution, Contractor would be encouraged to contact the Office of General Services' Division of Service-Disabled Veterans' Business Development to discuss additional methods of maximizing participation by SDVOBs on the Contract.

It would be required that "good faith efforts" to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of a resulting awarded Contract as documented.

3.7 Equal Opportunity Employment

By submission of a bid or proposal in response to this solicitation, the Applicant/Contractor agrees with all terms and conditions of Master Contract for Grants, Section IV(J) – Standard Clauses for All New York State Contracts including Clause 12 – Equal Employment Opportunities for Minorities and Women. The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the Contractor, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The Applicant will be required to submit a Minority and Women-Owned Business Enterprises and Equal Opportunity Policy Statement, to the State Contracting Agency with their bid or proposal. To ensure compliance with this Section, the Applicant will be required to submit with the bid or proposal an Equal Opportunity Staffing Plan (Form # to be supplied during contracting process) identifying the anticipated work force to be utilized on the Contract. If awarded a Contract, Contractor shall submit a Workforce Utilization Report, in such format as shall be required by the Contracting State Agency on a monthly or quarterly basis during the term of the contract. Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional and non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment status because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital

status, or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest. Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

3.8 Sexual Harassment Prevention Certification

State Finance Law §139-l requires applicants on state procurements to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment training (that meets the Department of Labor’s model policy and training standards) to all its employees. Bids that do not contain the certification may not be considered for award; provided however, that if the applicant cannot make the certification, the applicant may provide a statement with their bid detailing the reasons why the certification cannot be made. A template certification document is being provided as part of this RFP. Applicants must complete and return the certification with their bid, or provide a statement detailing why the certification cannot be made.

3.9 Bid Response

Neither the State of New York or OMH shall be responsible for the costs or expenses incurred by the applicant in preparation or presentation of the bid proposal.

3.10 Acceptance of Terms and Conditions

A bid, in order to be responsive to this solicitation, must satisfy the specifications set forth in this RFP. A detailed description of this format and content requirements is presented in Section 2.11 of this RFP.

3.11 Conflict of Interest

Each applicant must identify in writing any financial arrangements it has with all New York State government agencies. It must also identify any individuals who will be performing under the contract that are currently or have been employed by an OMH licensed provider of services or who were formerly employed by OMH (Note: current OMH employees are prohibited from providing services under this contract). If the applicant fails to provide this information, or if after review it is determined that a conflict of interest exists, the bid will be disqualified.

3.12 Procurement Lobbying

OMH has issued Guidelines pursuant to the New York State Finance Laws Sections 139-j and 139-k, which prohibit lobbying on procurement contracts. For purposes of the law, procurement contracts include most contracts/Purchase Orders with an estimated annual expenditure in excess of \$15,000 per year, as well as amendments and modifications to such contracts which were not contemplated by the original contract and represent a material change in the scope of the contract.

The law provides that, during the Restricted Period of an agency procurement for goods or services, vendors (or Applicants) may only contact the agency’s designated contact person(s), and all contacts, whether permissible or impermissible, shall be recorded.

Violation of any of the requirements described in this Section may be grounds for a determination that the applicant is non-responsible and therefore ineligible for this contract award. Two violations within four years of the rules against permissible contacts during the

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“restricted period” may result in a violator being debarred from participating in OMH procurements for a period of four (4) years.

- Must limit communications with OMH during the Restricted Period of each procurement to the OMH-designated point(s) of contact. Must affirm in writing vendor’s understanding of, and, agreement to comply with the OMH Procurement Guidelines (Attachment J1).
- Must certify whether vendor has been found non-responsible within the previous four (4) years by any Government Entity for failure to comply with State Finance Law 139-k or for the intentional provision of false or incomplete information regarding its procurement lobbying law compliance (Attachment J2).
- Must designate a single point or points of contact for each procurement (See Section 2.1).
- Must require OMH staff to record all Contacts from Applicants during the restricted Period of each procurement.
 - o A Contact is any communication with OMH under circumstances where a reasonable person would infer the communication was intended to influence the procurement.
- Must refer all impermissible contacts for investigation by OMH.
- Must make a responsibility determination with regard to State Finance Law Section 139-j and 139-k compliance prior to award of the contract.
- Must include a provision in all procurement contracts which allows OMH to terminate the contract if the vendor’s certification is found to be intentionally false or intentionally incomplete.

An electronic copy of the complete Procurement Lobbying Law Guidelines is located at:

<http://www.omh.ny.gov/omhweb/procurementguidelines/>

3.13 State Finance Law Consultant Disclosure Provisions

In accordance with New York State Finance Law Section 163(4)(g), State agencies must require all contractors, including subcontractors, that provide consulting services for State purposes pursuant to a contract to submit an annual employment report for each such contract.

The successful applicant for procurements involving consulting services must complete a “State Consultant Services Form A, Contractor’s Planned Employment from Contract Start Date through End of Contract Term” in order to be eligible for a contract.

The successful winning applicant must also agree to complete a “State Consultant Services Form B, Contractor’s Annual Employment Report” for each state fiscal year included in the resulting contract. This report must be submitted annually to the Office of Mental Health, the Office of the State Comptroller and Department of Civil Service.

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State Consultant Services Form A: Contractor's Planned Employment and Form B: Contractor's Annual Employment Report may be accessed electronically at:

<https://www.osc.ny.gov/state-agencies/contracts>

3.14 Freedom of Information Requirements

All proposals submitted for OMH's consideration will be held in confidence. However, the resulting contract is subject to New York State Freedom of Information Law (FOIL). Therefore, if an applicant believes that any information in its bid constitutes a trade secret or should otherwise be treated as confidential and wishes such information not be disclosed if requested, pursuant to FOIL (Article 6 of Public Officer's Law), the applicant must submit with its bid, a separate letter specifically identifying the page number(s), line(s), or other appropriate designation(s) containing such information explaining in detail why such information is a trade secret and formally requesting that such information be kept confidential. Failure by an applicant to submit such a letter with its bid identifying trade secrets will constitute a waiver by the applicant of any rights it may have under Section 89(5) of the Public Officers Law relating to the protection of trade secrets. The proprietary nature of the information designated confidential by the applicant may be subject to disclosure if ordered by a court of competent jurisdiction. A request that an entire bid be kept confidential is not advisable since a bid cannot reasonably consist of all data subject to a FOIL proprietary status.

3.15 Iran Divestment Act

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Applicant/Contractor (or any assignee) certifies that it is not on the "Entities Determined To Be Non-Responsive Applicants/Applicants Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the OGS website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List.

Additionally, Applicant/Contractor is advised that should it seek to renew or extend a Contract awarded in response to the solicitation, it must provide the same certification at the time the Contract is renewed or extended. By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Applicant/Contractor (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

During the term of the Contract, should OMH receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, OMH will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then OMH shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the Contractor in default. OMH reserves the right to reject any bid, request for assignment,

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renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

3.16 New York State Workers' Compensation Insurance Requirements:

Section 57 of the New York State Workers' Compensation Law (WCL) requires that State and municipal entities prior to entering into a contract must ensure that the contractor applying for that contract has appropriate New York State Workers' Compensation Insurance coverage.

Therefore, as part of your bid submission you must provide one of the following forms to meet this requirement. **Failure to submit one of these forms may result in rejection of your bid.** All New York State Workers' Compensation Board forms can be accessed by going to:

<http://www.wcb.ny.gov/content/main/forms/AllForms.jsp>

- i. *CE-200* Certificate of Attestation For New York Entities With No Employees And Certain Out Of State Entities, That New York State Workers' Compensation and/or Disability Benefits Insurance Coverage Is Not Required:

Form CE-200 can be filled out electronically on the New York State Workers Compensation Board's website, <http://www.wcb.ny.gov/>, under the heading "Forms." Applicants filling electronically are able to print a finished Form CE-200 immediately upon, completion of the electronic application. Applicants without access to a computer may obtain a paper application for the CE-200 by writing or visiting the Customer Service Center at any District Office of the Workers' Compensation Board. Applicants using the manual process may wait up to four (4) weeks before receiving a CE-200.

OR

- ii. *C-105.2* Certificate of Workers' Compensation Insurance (the contractors insurance carrier provides this form) **PLEASE NOTE:** The New York State Insurance Fund provides its own version of this form, the U-26.3;

OR

- iii. *SI-12* Certificate of Workers' Compensation Self-Insurance (To obtain this form the contractor needs to call the New York State Workers' Compensation Board, Self-Insurance Office at 518- 402-0247), **OR** *GSI-105.2* – Certificate of Participation in Workers' Compensation Group Self-Insurance (The Contractors Group Self-Insurer will provide this form).

3.17 Disability Benefit Insurance Requirement:

Section 220(8) of the New York State Workers' Compensation Law (WCL) requires that State and municipal entities prior to entering into a contract must ensure that the contractor applying for that contract has appropriate New York State disability benefits insurance.

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All applicants as part of their bid submission must submit one of the following forms in order to meet this requirement. **Failure to provide one of these forms may result in your bid being disqualified.**

iv. **CE-200 Certificate of Attestation For New York Entities With No Employees And Certain Out Of State Entities, That New York State Workers Compensation And/or Disability Benefits Insurance Coverage Is Not Required:**

Form CE-200 can be filled out electronically on the New York State Workers Compensation Board's website, <http://www.wcb.ny.gov/>, under the heading "Forms." Applicants filling

electronically are able to print a finished Form CE-200 immediately upon, completion of the electronic application. Applicants without access to a computer may obtain a paper application for the CE-200 by writing or visiting the Customer Service Center at any District Office of the Workers Compensation Board. Applicants using the manual process may wait up to four (4) weeks before receiving a CE-200.

OR

ii. **DB-120.1 Certificate of Disability Benefits Insurance** (the contractor's insurance carrier provides this form);

OR
OR

iii. **DB-120.2 Certificate of Participation in Disability Benefits Group Self Insurance;**

iv. **DB-155 Certificate of Disability Benefits Self-Insurance** (To obtain this form the contractor needs to call the New York State Workers Compensation Board's Self-Insurance Office at 518-402-0247).

3.18 Additional Insurance Requirement:

Prior to the start of work the **Contractor** shall procure at its sole cost and expense, and shall maintain in force at all times **during the term of this Agreement**, policies of insurance as herein set forth below, written by companies authorized by the New York State Insurance Department to issue insurance in the State of New York with an A.M. Best Company rating of —A-II or better. The OMH may, at its sole discretion, accept policies of insurance written by a non-authorized carrier or carriers when Certificates and/or other policy documentation is accompanied by a completed Excess Lines Association of New York (ELANY) Affidavit; provided that nothing herein shall be construed to require the Agency to accept insurance placed with a non-authorized carrier under any circumstances.

The **Contractor** shall deliver to OMH evidence of such policies in a form acceptable to the OMH. These policies must be written in accordance with the requirements of the paragraphs below, as applicable.

Conditions Applicable to Insurance. All policies of insurance required by this agreement must meet the following requirements:

i. **Coverage Types and Policy Limits.** The types of coverage and policy limits required from the **Contractor** are specified in Appendix G, of the contract boilerplate.

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ii. **Policy Forms.** Except as may be otherwise specifically provided herein or agreed in writing by OMH, policies must be written on an **occurrence** basis. Under certain circumstances, the OMH may elect to accept policies written on a claims-made basis provided that, at a minimum, the policy remains in force throughout the performance of the services and for three (3) years after completion of the Contract. If the policy is cancelled or not renewed during that time, the Contractor must purchase at its sole expense Discovery Clause coverage sufficient to complete the 3-year period after completion of the Contract. Written proof of this extended reporting period must be provided to the Agency prior to the policy's expiration or cancellation.

iii. **Certificates of Insurance/Notices.** Contractor shall provide a Certificate or Certificates

of Insurance, in a form satisfactory to the OMH, before commencing any work under this contract. Certificates shall reference the Contract Number. Certificates shall be mailed to the:

**Contract and Procurement Services
NYS Office of Mental Health
Community Budget and Financial Management
Contract & Claims Unit – 7th Floor
44 Holland Avenue
Albany, NY 12229**

Unless otherwise agreed, policies shall be written so as to include a provision that the policy will not be canceled, materially changed, or not renewed without at least thirty (30) calendar days prior written notice except for non-payment as required by law to the OMH, Attn: NYS Office of Mental Health, Community Budget and Financial Management, 44 Holland Avenue – 7th Floor, Albany, NY 12229. In addition, if required by the OMH, the **Contractor** shall deliver to the OMH within forty-five (45) calendar days of such request a copy of any or all policies of insurance not previously provided, certified by the insurance carrier as true and complete.

Certificates of Insurance shall:

- a. Be in the form approved by OMH.
- b. Disclose any deductible, self-insured retention, aggregate limit or any exclusion to the policy that materially changes the coverage required by the contract.
- c. Specify the Additional Insured and Named Insureds as required herein.
- d. Refer to this Contract by number, the Supplemental Certificate, and any other attachments on the face of the certificate,
- e. When coverage is provided by a non-admitted carrier, be accompanied by a completed ELANY Affidavit, and
- f. Be signed by an authorized representative of the insurance carrier or producer.

Original, copies, faxed, and electronic documents (Certificates of Insurance, Supplemental Insurance Certificates and other attachments) will be accepted.

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iv. Primary Coverage: All insurance policies shall provide that the required coverage shall apply on a primary and not on an excess or contributing basis as to any other insurance that may be available to the OMH for any claim arising from the **Contractor's** Work under this contract, or as a result of the **Contractor's** activities. Any other insurance maintained by the OMH shall be excess of and shall not contribute with the **Contractor's** insurance regardless of the other insurance clause contained in the Agency's own policy of insurance

v. Policy Renewal/Expiration: At least two (2) weeks prior to the expiration of any policy required by this contract, evidence of renewal or replacement policies of insurance with terms no less favorable to the OMH than the expiring policies shall be delivered to the OMH in the manner required for service of notice in Paragraph A.3. *Certificates of Insurance/Notices*

If, at any time during the term of this contract, the coverage provisions and limits of the policies required herein do not meet the provisions and limits set forth in the Contract or proof thereof is not provided to the OMH, the **Contractor** shall immediately cease Work on the Project. The **Contractor** shall not resume Work on the Project until authorized to do so by the OMH. Any delay, time lost, or additional cost incurred as a result of the **Contractor** not having insurance required by the Contract or not providing proof of same in a form acceptable to the OMH, shall not give rise to a delay claim or any other claim against the OMH. Should the **Contractor** fail to provide or maintain any insurance required by this contract, or proof thereof is not provided to the OMH, the OMH may withhold further contract payments, treat such failure as a breach or default of the contract, and/or, after providing written notice to the **Contractor**, require the Surety, if any, to secure appropriate coverage and/or purchase insurance complying with the Contract and charge back such purchase to the **Contractor**.

vi. Self-Insured Retention/Deductibles: Certificates of Insurance must indicate the applicable

deductible/self-insured retention on each policy. For Construction contracts – General, Environmental, and/or Builders' Risk deductibles or self-insured retentions above \$100,000 are subject to approval from the OMH. Additional surety/security may be required in certain circumstances. The **Contractor** shall be solely responsible for all claim expenses and loss payments within the deductible or self-insured retention.

vii. Subcontractors: Should the **Contractor** engage a Subcontractor, the **Contractor** shall endeavor to impose the insurance requirements of this document on the Subcontractor, as applicable. Required insurance limits should be determined commensurate with the work of the Subcontractor. Proof thereof shall be supplied to the OMH.

3.19 Vendor Responsibility

Section 163 of the State Finance Law requires that contracts be awarded on the basis of lowest price or best value to responsive and responsible Applicant. The State and courts have determined that responsibility includes integrity, previous performance, legal authority to do business in New York State, and financial and organizational ability to perform the contract. As part of the procurement process, Applicants, affiliates and any business entity of which the Applicant is a subsidiary and subcontractors (where subcontractor is known at the time of the contract award, and its subcontract will equal or exceed \$100,000 over the life of the contract) are required to complete the Vendor Responsibility Questionnaire and submit it with its proposal. OMH shall conduct reviews of each Vendor for responsibility and responsiveness. The OMH may, at its sole discretion, request additional information, including meeting with the Applicant.

If the Applicant is determined by the OMH to be not responsible, OMH shall inform the Applicant of such ruling. The Applicant shall have thirty (30) days to request a meeting with the OMH to explain the ruling and to demonstrate the finding to be incorrect or to correct/resolve any issues impacting the Applicant's responsibility. If the OMH's findings remain unchanged after meeting with the Applicant, the Applicant shall be removed from consideration for this contract. The Applicant that is awarded this contract shall update the Vendor Responsibility Questionnaire whenever such information changes and prior to any contract extensions and/or amendments. In the case of an assignment, a Vendor Responsibility Questionnaire should be submitted for the Contractor and Subcontractors. If the Applicant is determined, on the basis of new or previously undisclosed information, to be not responsible, the contract may be terminated, at the OMH's sole discretion.

3.20 Sales and Compensating Use Tax Certification (Tax Law Section 5-A)

Tax Law § 5-a requires contractors awarded State contracts for commodities or services valued at more than \$100,000 over the full term of the contract to certify to the New York State Department of Taxation and Finance ("DTF") that they are registered to collect New York State and local sales and compensating use taxes, if they made sales delivered by any means to locations within New York State of tangible personal property or taxable services having a cumulative value in excess of \$300,000, measured over a specific period of time. The registration requirement applies if the contractor makes a cumulative total of more than \$300,000 in sales during the four completed sales tax quarters which immediately precede the sales tax quarter in which the certification is made. Sales tax quarters are June-August, September-November, December-February and March-May. In addition, contractors must certify to DTF that each affiliate and subcontractor of such contractor exceeding such sales threshold during a specified period is registered to collect New York State and local sales and compensating use taxes. Contractors must also certify to the procuring State entity that they filed the certification with the DTF and that it is correct and complete.

The selected Contractor must file a properly completed Form ST-220-CA (with OMH as the Contracting Agency within 48 hours of notification of selection for award) and Form ST-220-TD (with the DTF). These requirements must be met before a contract may take effect. Further information can be found at the New York State Department of Taxation and Finance's website.

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3.21 Contract Execution

Awards made through this RFP are not final and the resultant contract is not considered executed and binding until it is approved by the Attorney General and the Office of the State Comptroller (OSC) as required by New York State Law.

3.22 NYS and OMH Policies

The applicant/contractor must agree to comply with all applicable New York State and OMH policies, procedures, regulations and directives throughout the Term of the contract.

4. Evaluation Factors and Awards

4.1 Evaluation Criteria

All proposals will be rated and ranked in order of highest score based on an evaluation of each applicant's written submission as well as OMH internal reviews.

The Evaluation will apply points in the following categories as defined in Section 6:

Technical Evaluation	Points
6.1 Executive Summary	15
6.2 Population Description	15
6.3 Description of Program	20
6.4 Implementation & Project Approach	20
Financial Assessment	30
Total Proposal Points	100 Points

For a detailed description of evaluation criteria for the Technical Evaluation and the Financial Assessment components, see Section 6 (Proposal Narrative).

4.2 Method for Evaluating Proposals

Designated staff will review each proposal for completeness and verify that all eligibility criteria are met. A complete proposal shall include all required components as described in Sections 2.8 and 2.9. If a proposal is not complete or does not meet the basic eligibility and participation standards as outlined in Section 2.4, the proposal will be eliminated from further review. The agency will be notified of the rejection of its proposal within 10 working days of the proposal due date.

Proposals will be conducted in two parts: Technical Evaluation and Financial Assessment. The technical evaluation committee, consisting of at least three evaluators, will review the technical portion of each proposal and compute a technical score.

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For the financial assessment, points are calculated by dividing the three-year funding request of the lowest bid received by the three-year funding request of the proposal being assessed and then multiplying the result by 30.

Evaluators of the Technical Evaluation component may then meet to discuss the basis of those ratings. Following the discussion, evaluators may independently revise their original score in any section. Once completed, final Technical Evaluation scores will then be recalculated, averaged, and applied to the final Financial Assessment score to arrive at final scores.

Any proposal not receiving a minimum score of 70 will be eliminated from consideration.

In case of a tie in the scoring process, the proposal with the highest score on the Financial Assessment will be ranked higher.

4.3 Process for Awarding Contracts

4.3.1 Initial Awards and Allocations

Proposals will be ranked, and one or more awards, with a combined total not to exceed \$2,000,000, will be granted to applicants with the highest total combined technical and financial scores. Not more than one award will be made per county.

Awards will be made in the amount of the budget submitted. Funding will be allocated to passing applicants from highest to lowest score, until the full \$2 million is expended. OMH reserves the right to issue partial funding where full funding is not available.

4.3.2 Contract Termination and Reassignment

There are a number of factors that may result in the contract being reassigned. This includes but is not limited to failure to meet timeline commitments, inadequate quality or specifications of supplies and equipment, non-compliance with contract requirements, health and safety violations, and/or unresponsiveness. A contractor will be provided notification if there is need for reassignment.

To reassign the contract, OMH will go to the next highest ranked proposal. If there are no agencies left with a passing score, OMH will go to the top of the list and work its way down the list to reassign the contract.

4.4 Award Notification

At the conclusion of the procurement, notification will be sent to successful and non-successful applicants. All awards are subject to approval by the NYS Attorney General and the Office of the State Comptroller before an operating contract can be finalized.

5. Scope of Work

5.1 Introduction

The selected applicant(s) shall be responsible for acquiring and outfitting a unit capable of providing, at a minimum: access to shower facilities, toilets, and handwashing as well as related hygiene items such as towels, shampoo, soap, shaving kits, and toilet paper.

Selected applicants must demonstrate an ability to fund operation of the mobile shower unit. Regular written updates on the development and implementation of mobile unit services will be required of all awardees to ensure the mobile unit is operated in a manner consistent with this procurement.

This project is intended to provide more than access to hygiene services. It is expected that this unit will be a draw point for individuals to engage in additional supportive services. Applicants' demonstration of current or future partnerships to provide access to support services is heavily encouraged. These partnerships may include, but are not limited to: services such as securing needed documentation (identification cards, birth certificates, etc.), completion of housing referrals, assistance in applying for public benefits, linkage to mental health, treatment for substance use disorders, educational and employment services, and physical health services.

The Local Governmental Unit (LGU), Director of Community Service (DCS)/Mental Health Commissioner has a statutory authority and responsibility for oversight and cross-system management of the local mental hygiene system to meet the needs of individuals and families affected by mental illness, substance use disorder and/or intellectual/developmental disability in their communities. Applicants must notify the LGU(s) of their intent to apply.

5.2 Objectives and Responsibilities

OMH will provide up to \$2,000,000 in one-time funding to one or more providers to purchase and modify a mobile shower unit.

5.3 Contract Funding

One or more awards, with a combined total not to exceed \$2,000,000, will be granted for the purchase and outfitting of mobile shower unit(s). Reimbursement will be provided as a one-time up-front payment paid at the start of the three-year contract term. Funds may not be used for ongoing operation of the program.

Awards will be issued in the amount of funding requested in the application. Budgets will be reviewed by OMH post-award to ensure they are reasonable. If actual costs are determined to be less than the award amount, funding will be reduced or recovered accordingly.

6. Proposal Narrative

When submitting proposals for funding under this RFP, the narrative must address all components listed below, in the following order:

6.1 Executive Summary

6.1a. State the county in which your agency proposes to operate the program.

6.1b. Please provide detail as to how applicant meets eligibility criteria outlined in section 2.4

6.1c. Provide a brief overview and history of your agency, including a description of your agency's experience working with homeless individuals

6.1d Provide a thorough description of the community and the need for the Mobile Shower program based on the agency's experience.

6.1e. Describe your agency's qualifications and experience in procuring and outfitting equipment similar to that specified in this RFP.

6.2 Population Description

6.2a. Describe your agency's understanding of the service needs of street homeless individuals in your area.

6.2b. Include your agency's experience with, and strategies for, outreach and engagement of individuals with a history of unstable housing. Describe your agency's track record in working with recipients with multiple system involvement and how you have supported individuals to better coordinate care among behavioral health, medical, housing, and other service providers.

6.3 Description of Program

6.3a. Detail the mobile shower unit's expected schedule of operation (days/hours) and the number of individuals projected to access this service on a weekly basis. Include information on whether the mobile shower unit will be equipped to operate year-round.

6.3b. Provide a staffing plan. Specify if additional services beyond shower services will be provided by staff on-site. Explain how your agency intends to provide a sanitary and private environment for those accessing these services.

6.3c. Outline trainings that will be provided to staff that will assist them in meeting the unique needs of this population.

6.3d. Describe your network of internal and external providers and explain how you will

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leverage these connections to ensure timely and efficient delivery of mobile shower units and associated services.

6.4 Implementation & Project Approach

6.4a Provide a detailed timeline for this project. Include milestones such as acquiring and modifying of the mobile shower unit., identifying operating funding, securing necessary permits, and hiring and training staff.

6.4b. Describe in detail the expected costs of operation and the anticipated source of operating funding. Source of funding for operation for the full life of the mobile shower unit should be described. Applicants are encouraged but not required to attach an annual operating budget.

6.5 Financial Assessment

- a. The proposal must include a comprehensive budget to support the proposed cost to purchase and outfit mobile shower unit(s). Any travel costs included in the Budget must conform to New York State rates for travel reimbursement. If applicable, applicants should list staff by position, full-time equivalent (FTE), and salary.
- b. Describe how your agency plans to manage the budget. Also, applicants must complete a Budget Narrative (Appendix B1) which should include the following:
 1. detailed expense components that make up the total purchase and outfitting expenses; and,
 2. the calculation or logic that supports the budgeted value of each category; including estimates or quotes as necessary.

7. Inclusion and Diversity

In alignment with OMH's commitment to fostering inclusion, diversity and equity, the selection process of the vendor will be made equitable and inclusive for all interested applicants. OMH remains committed to ensuring that the scoring and selection process for all procurement efforts is delivered in a manner that aligns with the Agency's overall equity strategy.

8. Conditions Precedent

As conditions precedent to this RFP with respect to the parties' rights and obligations hereunder, prior to execution of a Contract resulting from an award under this RFP, and continuing for the duration of the useful life of the vehicle purchased with the money awarded under this RFP, with such useful life being no less than 100,000 miles or 10 years, whichever occurs first, the following must be satisfied prior to finalization of the Contract and payment of award money under this RFP to any Awardee:

- Awardee must certify in writing that it has:
 - o the staffing necessary to effectuate the use of the vehicle for the intended purpose set out in this RFP; and
 - o the necessary funding apart from the purchase cost of the vehicle to manage and implement usage of the vehicle for the intended purpose set out in this RFP, including but not limited to fuel, regular maintenance, major repairs and insurance.
- Awardee must provide a proposed invoice for purchase of the vehicle which meets all specifications and requirements for intended use as set out in this RFP.

OMH shall have no obligation to make any payments to Awardee until Awardee can verify satisfaction of each of the above condition's precedent. In the event Awardee fails to adequately obtain or satisfy any of the above condition's precedent within ten (10) business days of execution of the Agreement, OMH may terminate the resulting Agreement upon five (5) days prior written notice to Awardee without OMH incurring further consideration and liability.

The conditions precedent set out in this paragraph shall survive the expiration or prior termination of the resulting Contract.

Contract Requirements:

All Contracts made to Awardees will include the following requirements:

- Awardee must provide proof of purchase of the vehicle with specifications that meet the requirements set out in this RFP.
- Awardee must agree to audits of records no less than annually providing proof of use of the vehicle for the intended purpose under the RFP.
- Awardee must certify in writing yearly that staffing is sufficient to maintain implementation of the vehicle for the intended usage set out in this RFP.

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- Awardee must certify in writing yearly that funding is sufficient to maintain implementation of the vehicle for the intended usage set out in this RFP.

In addition, Awardee shall also execute an Affidavit of Confession of Judgment which secures OMH's financial interest in the vehicle in the event there is any unremedied breach of the Contract. The Affidavit can be found at Appendix 1.

To the extent that the conditions precedent and Contract requirements as set out above are not fully satisfied as determined by OMH in its sole discretion during the entirety of the useful life of the vehicle, OMH shall have full rights to seek re-payment from the Awardee for 100% of the payment made to the Awardee under the Contract plus any costs and expenses associated with the OMH seeking re-payment, along with any additional costs, judgements, compensation, penalties or awards the courts may impose.

Awardee expressly agrees that, should OMH exercise its right to seek repayment pursuant to this paragraph, Awardee shall repay the total amount awarded under this RFP to OMH within thirty (30) days of receipt of written notice from OMH of its intention to exercise its rights hereunder. If such repayment is not made within the timeframe set out above OMH shall immediately enter the Confession of Judgment to the court to seek full repayment plus any associated costs as set out above.

The contract requirements set out in this paragraph shall survive the expiration or prior termination of the resulting Contract.

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Appendix 1: Affidavit of Confession of Judgement

STATE OF NEW YORK

SUPREME COURT ALBANY COUNTY

NEW YORK STATE OFFICE OF MENTAL HEALTH,

Plaintiff,

-against-

Defendant.

STATE OF NEW YORK)

) ss.:

COUNTY OF _____

_____, being duly sworn, deposes and says:

1. I am an individual currently residing at _____.
2. I am an officer, director, or agent of _____ (“Company”). I represent that I have full capacity to enter into agreements in my role with the Company.
2. I hereby confess judgment and authorize entry thereof against the Company in the amount of _____ Dollars (\$_____).
3. I authorize the filing of this Judgment in any jurisdiction including, but not limited to, _____ County, in the State of New York.

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4. This Confession of Judgment is for monies justly due to the New York State Office of Mental Health ("OMH) arising from the breach of an agreement dated _____, 202__ (“Agreement”) that was signed when the Company was awarded a contract under an Request for Proposals for the purchase of a vehicle to be used as a shower bus.

5. This confession of judgment is for a debt to become due to the Plaintiff arising from the following facts: (a) The Company submitted a proposal in response to an OMH Request for Proposals dated _____ (b) the Company received an award under the Request for Proposals by OMH; (c) in consideration for receipt of the award to purchase the vehicle the Company agreed to certain conditions precedent and contract requirements which survived the expiration of the contract in order to receive and maintain the award of the cost of the vehicle.

6. I am signing this Affidavit of Confession of Judgment in order to guarantee to Plaintiff my obligation to repay Plaintiff the full award amount under the contract resulting from the Company’s award from the Request for Proposals as paid by the Plaintiff to the Company plus any other such costs, judgements, compensation, penalties or awards the courts may impose in the event the Company does not continue to meet the conditions precedent or contract requirements which survived the expiration of the Contract..

Name:
Title:

State of New York)
) ss.:
County of _____)

On the ___ day of _____, 202__, before me, the undersigned, personally appeared, _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public