



Request for Proposals (RFP)-Technical Operational Assistance  
County of Orleans Industrial Development Agency  
July 23, 2024

### Background

The County of Orleans Industrial Development Agency (COIDA) implements a variety of economic and community development activities using multiple funding sources. The COIDA is seeking the services of a firm(s) or individual(s) to assist in the planning, administration, management, and implementation of these activities.

### Scope of Services:

The firm(s) or individual(s) will be expected to provide the following services:

#### 1) Technical Operational Assistance

- a. Assistance regarding the financing of economic development projects including the review and analysis of loan applications, assistance in the preparation of loan closing documents, review of loan disbursement documentation, assistance to borrowers regarding employment requirements and documentation, monitoring of employment and financial information, loan portfolio management activities, and other related assistance as required.
- b. Technical assistance regarding commercial and industrial project development, economic development program planning and implementation and other community and economic development activities as required.
- c. Assistance regarding the administration of the Orleans Loan Fund program, using funds obtained through grants, loans or other sources including:
  - i. The review and analysis of loan applications
  - ii. Assistance in the preparation of loan closing documents and review of loan disbursement documentation
  - iii. Assistance to borrowers regarding employment requirements and documentation
  - iv. Monitoring of employment and financial information
  - v. Loan portfolio management activities
  - vi. Preparation of loan status reports
- d. Technical assistance regarding project development including:
  - i. Economic development program planning and implementation
  - ii. Preparation of grant applications and other applications for assistance

### Proposals

Proposals should include the following:

- 1) Background information that describes the nature and history of the firm or individual, including client listings and references.
- 2) Specific information regarding the firm or individual's experience and technical expertise respecting the scope of services, including particular experience with commercial lending programs.

- 3) Identification and resumes of the persons who will provide the services.
- 4) A schedule of costs for the services to be provided, including hourly rates for labor and the method for calculating all other costs. The elements of each hourly rate must be broken out to include labor, overhead and profit. The COIDA will award a cost reimbursement rather than a fixed price contract.

### Selection

The COIDA will rank the proposals received based on an evaluation of technical skills (50%), experience (30%), and cost (20%). The COIDA will select, at its option, one or more contractors with which to enter into an agreement for services, subject to the negotiation of fair and reasonable profit. The selection of a contractor or contractors will be made in rank order.

### Submission Procedures

One copy (electronic or paper) of the proposal should be addressed to:

Michael Dobell, CEO  
County of Orleans Industrial Development Agency  
121 North Main Street  
Albion, NY 14411  
[MDobell@orleansdevelopment.org](mailto:MDobell@orleansdevelopment.org)

Proposals must be received by the COIDA no later than 4:00 p.m., October 1, 2024.

### Miscellaneous

- 1) The COIDA reserves the right to reject any or all proposals; to negotiate any elements of a proposal; to conduct interviews at its sole discretion; and to solicit and/or select contractors for the program outside of the scope of this RFP.
- 2) The COIDA assumes no responsibility or liability for costs incurred by respondents to this Request for Proposals, including any requests for additional information, interviews, or negotiations.

### Procurement Lobbying Restrictions

- 1) Restrictions on Bidder Communications with COIDA

Pursuant to State Finance Law §§139-j and 139-k, this RFP imposes certain restrictions on communications between Bidders and COIDA during the procurement process. Bidders are prohibited from making contacts (whether oral, written or electronic) with any COIDA personnel or COIDA Board member other than the designated COIDA staff member set forth in Section IX.B above (unless the contact is otherwise permitted under State Finance Law §139-j(3)(a)). In addition, Bidders are hereby notified that any contact with any COIDA personnel, COIDA Board member or the designated COIDA staff member which a reasonable person would infer is intended to influence the award of the contract under this RFP is prohibited. These prohibitions apply from the Bidder's earliest notice of COIDA's intent to solicit proposals through the final award and approval of the procurement contract ("Restricted Period").

Bidders are hereby notified that COIDA is required to collect certain information when contacted by a Bidder during the Restricted Period and make a determination of the responsibility of the Bidder pursuant to State Finance Law §§139-j and 139-k. Certain findings of non-responsibility can result in rejection of a contract award, and in the event of two findings within a four (4) year period, the Bidder may be barred from obtaining governmental procurement contracts.

2) Bidder's Affirmation of Understanding of and Agreement Pursuant to State Finance Law §139-j and §139-j (6)(b)

COIDA is required to obtain written affirmations from all Bidders as to the Bidder's understanding of and agreement to comply with COIDA's procedures relating to permissible contacts (described in paragraph 1 above). The affirmation must be provided to COIDA when the Bidder submits its proposal. The form of affirmation to be completed and submitted by the Bidder is included herein as Exhibit A.

3) Bidder's Certification of Compliance with State Finance Law §139-k(5)

State Finance Law §139-k(5) requires Bidders to provide written certification that all information provided to COIDA with respect to State Finance Law §139-k is complete, true and accurate. The certification must be provided to COIDA when Bidder submits its proposal. The form of certification to be completed and submitted by the Bidder is included herein as Exhibit B.

4) Bidder Disclosure of Prior Non-Responsibility Determinations

State Finance Law §139-k(2) obligates COIDA to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. In accordance with State Finance Law §139-k, each Bidder must disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j or (b) the intentional provision of false or incomplete information to a Governmental Entity. State Finance Law §139-j sets forth detailed requirements about the restrictions on contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible contact during the Restricted Period (for example, contacting a person or entity other than the designated contact person, when such contact does not fall within one of the exemptions).

As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether a Bidder fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with the law, no procurement contract shall be awarded to any Bidder that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the procurement contract to the Bidder is necessary to protect public property or public health and safety, and that the Bidder is the only source capable of supplying the required article of procurement within the necessary timeframe. Exhibit C of this RFP, entitled "Offerer Disclosure of Prior Non-Responsibility Determinations," must be completed by the Bidder and submitted to COIDA at the time of Bidder's submission of its proposal.

5) Contract Termination Provision

New York State Finance Law §139-k (5) provides that every procurement contract award subject to the provisions of State Finance Law §§139-k and 139-j shall contain a provision authorizing termination of the contract in the event that the certification provided by the Bidder that is awarded the contract is found to be intentionally false or intentionally incomplete. The following provision is hereby incorporated by reference and included in the contract that is awarded (if one is awarded) pursuant to this RFP:

*"Pursuant to New York State Finance Law §139-k(5), COIDA reserves the right to terminate this contract in the event it is found that the certification filed by the Contractor in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, COIDA may exercise its termination rights by providing written notification to the Contractor in accordance with the written notification terms of this contract."*

**EXHIBIT A**

**Affirmation of Understanding & Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b)**

I affirm that I understand and agree to comply with the procedures of COIDA relative to permissible contacts as required by State Finance Law §139-j (3) and §139-j (6) (b).

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Contractor Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**EXHIBIT B**

**Offeror/Bidder Certification:**

I certify that all information provided to COIDA with respect to State Finance Law §139-k is complete, true and accurate.

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Contractor Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**EXHIBIT C**

**Offerer Disclosure of Prior Non-Responsibility Determinations**

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Name and Title of Person Submitting this Form: \_\_\_\_\_

\_\_\_\_\_

Contract Procurement Number: \_\_\_\_\_

Date: \_\_\_\_\_

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle):

No

Yes

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):

No

Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle):

No

Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity: \_\_\_\_\_

Date of Finding of Non-responsibility: \_\_\_\_\_

Basis of Finding of Non-Responsibility:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**EXHIBIT C (Continued)**

(Add additional pages as necessary)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle):

No

Yes

6. If yes, please provide details below.

Governmental Entity: \_\_\_\_\_

Date of Termination or Withholding of Contract: \_\_\_\_\_

Basis of Termination or Withholding: \_\_\_\_\_

\_\_\_\_\_  
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(Add additional pages as necessary)

Offerer certifies that all information provided to COIDA with respect to State Finance Law §139-k is complete, true and accurate.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature

Name: \_\_\_\_\_ Title: \_\_\_\_\_