

COUNTY OF ALBANY, NEW YORK

Proposal:

CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS ADVISORY SERVICES

RFP NO.: 2022-029



**DATE OF PROPOSAL:
MARCH 18, 2022**



CMA
CapitalMarketsAdvisors,LLC

Strategic Consulting Group

Submitted By:

Richard Tortora, President
Capital Markets Advisors, LLC
Tel: (516) 487-9815
Email: rtortora@capmark.org
Web: www.capmark.org



Capital Markets Advisors, LLC
11 Grace Ave., Suite 308
Great Neck, New York 11021
Phone: (516) 487-9815
rtortora@capmark.org

March 17, 2022

Ms. Karen A. Storm
Purchasing Agent
County of Albany
112 State Street
Albany, NY 12207

Re: RFP 2022-029 Coronavirus State and Local Fiscal Recovery Funds Advisory Services

Dear Ms. Storm:

On behalf of Capital Markets Advisors, LLC (“CMA”), I am pleased to present our proposal to provide Coronavirus State and Local Fiscal Recovery Funds Advisory Services to the County of Albany, New York (the “County”). I am authorized to bind CMA under this engagement and the cost projections included as a part of this Proposal shall remain in effect for 120 after the due date.

CMA has read through the County’s Request for Proposals and is well aware of the needs of the County as they relate to the American Rescue Plan Act of 2021 (“ARPA”). CMA’s Strategic Consulting Group, led by Managing Director Margaret Guarino, a government and finance expert with over 45 years of experience, would lead our efforts for the County. James Nytko, Managing Director at Local Government Solutions and a former CMA employee, works with CMA on ARPA-related engagements. CMA possesses the institutional knowledge, experience, resources, time and manpower to provide the necessary services noted in the Scope of Work in your RFP. We have received extensive training on ARPA over the last several months and are very well versed in the nuances of this legislation. We currently provide the same scope of ARPA-related services for several cities in the Northeast including Rochester, New Rochelle and Poughkeepsie. We are able to assist and guide the County in all ARPA-related matters. We recommend that you to take a minute to review one of our recently created, online ARPA information and transparency portals which will provide additional insight into our team’s capabilities (<https://cityofpoughkeepsiearp.org>). In addition to the portal pages you are able to view in this example, there are also additional private password protected pages we have created which are utilized by the client to administer and manage its ARPA allocation. To provide additional ARPA educational material and samples of our ARPA-related work, CMA has prepared a *temporary* online component which should be considered a part of this proposal. In addition, the accompanying online component should be considered confidential, private and only be made assessable to applicable County officials. Therefore, it is being password protected. Nevertheless, the site may be accessed with the following information:

Website: <https://jamesn26.sg-host.com>
Password: ARPAalbany

My colleagues and I enjoy and appreciate our existing relationship with the County of Albany and we look forward to expanding it through our Strategic Consulting Group in connection with your receipt and management of funds through the ARPA. You may contact me at (516) 487-9815 and rtortora@capmark.org should you have any questions regarding the County’s needs or CMA’s services.

Sincerely yours,

Richard R. Tortora

Richard R. Tortora, Esq.
Capital Markets Advisors, LLC

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Website: https://jamesn26.sg-host.com	
Password: ARPAalbany	

(1) The accompanying online component should be considered confidential, private and only be made assessable to applicable County officials.

SECTION II – QUALIFICATIONS/EXPERIENCE

FIRM OVERVIEW

CMA was founded in New York in 2002 and has a professional staff of 18 working out of offices on Long Island (Great Neck), Western New York (Orchard Park) and New York’s Southern Tier (Elmira).

CMA Overview. CMA is an independent, municipal advisory firm serving the operational and financial needs of public jurisdictions in the northeastern United States. CMA is registered as a Municipal Advisor with the Municipal Securities Rulemaking Board (“MSRB”) ID#K0489 and the Securities and Exchange Commission (“SEC”) ID#867-00807. CMA currently represents approximately 375 public jurisdictions, including the County, predominantly in New York State. *In each of the last 7 years, Thomson Reuters has ranked CMA among the top ten municipal advisors in the nation.*

CMA Strategic Consulting Group. For twenty years, CMA has been an industry leader in analyzing, advising and implementing fiscally sustainable solutions for local governments. In fact, CMA has a team solely dedicated to this purpose. CMA’s Strategic Consulting Group understands the workflow of governmental entities and assists our clients to strategically bridge the sometimes misunderstood and often blurred gap that exists between operations and finance. Over the past several months the professional staff of CMA has spent hundreds of hours strategically preparing itself to advise our clients with respect to maximizing the impact of funding allocations through ARPA. *In fact, CMA currently advises the cities of Rochester, New Rochelle, Long Beach, Glen Cove and Poughkeepsie on the planning, use, tracking and reporting of their respective ARPA allocations.*

CMA has worked with all types of jurisdictions across the Northeast, assisting them to establish sound financial and operational roadmaps that optimize operations and achieve fiscal goals. The services provided by our Strategic Consulting Group are wide-ranging yet strategically tailored to meet the individual needs of each of the jurisdictions it serves. ARPA consulting is a natural fit for CMA.

Strategic Consulting Services. Some of the services of the CMA include, but are not limited to, the following:

- *ARPA Planning and Consulting to Maximize the Impact of Funding Allocations*
- ARPA Internal Controls, Policies and Procedures
- Community Engagement
- Strategic Operational and Departmental Analysis
- Workforce and Staffing Analysis
- Multi-Year Financial Planning
- Operational Budget Consulting
- Capital Budget Consulting

- User Fee and Rate Analysis
- Grant Procurement
- Shared Services Consulting
- Economic and Demographic Analysis
- Project Management
- Plan Implementation

Staff. CMA’s well-qualified staff of 18 possesses the comprehensive knowledge, existing relationships and resources to carefully and thoroughly assist the County with respect to its ARPA allocation. As detailed in this proposal, the Proposed Project Team includes a total of seven (7) dedicated professional staff members.



QUALIFICATIONS

If selected, CMA will respond rapidly and effectively to the County, deploying a team of well-qualified professionals to regularly meet with County officials (in-person, via phone or videoconference), to develop a comprehensive and mutually agreeable plan of action to meet the goals and objectives of the County.

The COVID-19 pandemic brought with it a vast multitude of fiscal obstacles that will need to be cautiously navigated. With this financial crisis, the municipal jurisdictions which will emerge strongly on the other side will be those that utilize their ARPA allocation strategically, plan for the long term and shift their activities accordingly. As an entitlement unit with an ARPA allocation of \$29.6 million, the County will require the assistance of a consultant that is not limited to simply one aspect of the ARPA. In fact, the consultant should be multifaceted and well rounded, possessing expertise in the following areas:

- Comprehensive understanding of ARPA guidelines and parameters (i.e., the Final Rule);
- Real experience working with municipalities in the Northeast to guide their understanding of the true economic impact of COVID-19;
- Experience facilitating, guiding and participating in recurring meetings with the specialized task forces, committees and/or subcommittees;
- Ability to develop comprehensive public/stakeholder engagement and outreach plans (view a sample of our recently released ARPA Information Portal: <https://cityofpoughkeepsiearp.org/>);
- Ability to effectively educate, train and inform persons with varying levels of understanding related to ARPA;
- Expertise in identifying and implementing best practices correlating to spending, compliance, monitoring and reporting;
- Experience in developing comprehensive fiscal and operational policies and guidelines;
- Extensive working knowledge of the local economy;
- A solid understanding of community development;

- Familiarity with regulatory compliance and reporting and the ability to develop sound procedures to ensure conformity;
- Proficiency in project management, and;
- Ample staff and resources.

The CMA Team is that consultant.

ARPA Subject Matter Expertise. Our professional staff has spent countless hours to become subject matter experts with respect to the ARPA and to understand the economic impacts associated with the COVID-19 pandemic. We have analyzed data and participated in webinars hosted by the Government Finance Officers Association, the White House, the U.S. Treasury, the National League of Cities, local municipal accounting firms and the U.S. Conference of Mayors. We have also hosted two webinars on the subject with a third scheduled for March 30th.

Local COVID-19 Pandemic Economic and Financial Forecasting Experience. The COVID-19 pandemic has significantly complicated the “traditional” economic forecasting process. Through real experience working with municipalities, CMA understands the COVID-19 impact is unique and cannot be easily analyzed in connection with prior economic recessionary trends. In a typical recession, spending is reduced but people still patronize restaurants, purchase goods and spend on entertainment. The impact of COVID-19 has put unprecedented stress on the economies of the County, State and Nation commencing in 2020 and it remains unknown whether the change in consumer practices will have a long-lasting effect. In recent months, CMA has and continues to work with a variety of Northeastern municipalities to analyze the financial and economic impacts relating to the COVID-19 pandemic.

The ARPA funds are intended to combat the negative economic and various other impacts of the COVID-19 pandemic at the local level. CMA will assist the County to better understand the local impact and to develop a comprehensive long-term financial strategy based on best practices that will ensure the most effective and efficient usage of its Federal allocation.

Experience in Educating, Training and Informing Key Decision Makers and Stakeholders. Our team members are experts in educating our clients and key stakeholders. In fact, our staff are regularly asked to present to governing bodies and at professional seminars on topics involving the fiscal operations of municipal jurisdictions. Furthermore, our Strategic Consulting Group recently hosted its second comprehensive ARPA webinar, which focused on reporting and compliance and provided an overview of the US Treasury’s recently released Final Rule. The webinar was attended by nearly 200 participants. CMA/LGS’s first ARPA webinar in July 2021 provided an overview of the program and discussed ARPA related best practices and strategies. A third webinar is currently scheduled for March 30th.

See: www.capmark.org/webinars.

CMA also writes and disseminates on a monthly basis, its industry newsletter, *Capital Markets News*, which is the only, regularly published newsletter put out by a municipal advisor in New York State. It contains articles on topics of interest, tracks current and historic interest rate trends and reports on recent debt sale results. We also put out periodic *Special Bulletins* to alert our clients of important developments that could have an immediate impact on their day-to-day

operations. We last published two such bulletins in 2020 in connection with the COVID-19 pandemic, multiple publications in 2021 relating to the ARPA and one article, to date, in 2022.

Public Outreach and Engagement. The U.S. Treasury expects ARPA recipients to serve as stewards of their respective allocations and to act in a transparent and accountable fashion. The U.S. Treasury’s recently published Compliance and Reporting Guidance document (viewable at: <https://home.treasury.gov/system/files/136/SLFRFCompliance-and-Reporting-Guidance.pdf>), lists transparency and public accountability as key guiding principles. A commitment to transparency demonstrates integrity to the community and is widely accepted as a best practice relating to finance and management. While stakeholder engagement and making information available to the public is a critical step in the ARPA strategic planning process, it is equally important to ensure that information is both clear and easy to locate. A centralized source of a jurisdiction’s applicable ARPA information, decisions and initiative progress may perhaps be the simplest way to achieve transparency in both the ARPA planning and compliance process.

Interactive ARPA Portal. Over the past several months, CMA has worked with clients to launch its “Interactive ARPA Information Portal”. The portal may be used by local governments to engage and provide ARPA-related information to the public and stakeholders. In addition, it is fully managed and regularly updated by CMA so as not to burden municipal officials with any additional work relating to this program. A sample ARPA portal can be viewed at: <https://cityofpoughkeepsiearp.org>.

Public Engagement Surveys. As part of its Interactive ARPA Information Portal, CMA has developed an online public engagement survey which may be utilized by local jurisdictions to gain insight and inform ARPA related decisions.

Online Funding Request / Application. Also, as part of its Interactive ARPA Information Portal, CMA has crafted a comprehensive online funding request application. Through the form, stakeholders, in particular small businesses, non-profits and even residents, may request funds for ARPA-eligible uses. A demo of the online application will be provided to the County at its request.

A successful ARPA plan must maintain a long-term focus on compliance and reporting. As such, the online application is critical. With a sound application process in place, a local government gains the ability to build an immediate foundation for record keeping activities, document the decision-making process and, most importantly, avoid costly mistakes.

Compliance Tools. Our team has crafted a host of tools and processes aimed at making the compliance process smooth and to mitigate the risk of “claw backs” by the Federal government.

Local Government Operations. CMA represents close to 400 public jurisdictions, including the County. We understand what drives local governments and how even the simplest of decisions can have a significant impact for generations to come. Furthermore, as the County’s Municipal

Advisor, we have an existing knowledge base of the County's operations which ensure our ability to hit the ground running with respect to the proposed engagement.

Regulatory Compliance. Most of CMA's clients are legally required to publicly provide annual financial updates, which CMA prepares on a timely basis each year, including the County. Our team members are experts in providing sound advice and management assistance relative to compliance matters. We will assist the County to ensure its ARPA reports are prepared and filed timely and accurately.

Hands on Tailored Approach. We help local governments to establish sound financial and operational plans that will optimize operations and achieve realistic fiscal goals. Our team approach is not "one-size-fits-all." Instead, we tailor our services to the meet the individual needs of each of the jurisdictions we serve. Our team takes a hands-on approach, establishing an optimal planning process that combines best practices, trending and benchmarking with the proper forecasting tools and methodologies. CMA will provide to the County a core team of fully committed professionals, supported by other members of the firm, in order to meet its ARPA needs. Our professionals will work together as a cohesive unit to provide the services described in the RFP.

Staff and Resources. CMA is committed to its staff and to their professional development. Most of our officers, have been with us for over a decade. We have been formally trained in many fields including municipal operations, municipal law, banking, accounting, business and credit analysis. We possess advanced degrees in finance, law, management and accounting. Twelve members of CMA professional staff members are licensed as Series 50 Municipal Advisor Representatives by the SEC and MSRB and two have also been licensed as Series 54 Municipal Principals. We bring to the table years of prior experience as a bond attorney, CPA, bankers, credit analysts, educators and government officials. We have access to resources, locally and nationally, that allow us to identify and stay ahead of trends in public finance. We bring all of this training and experience to bear, in a team effort, to identify and address problematic issues faced by our clients. Based on our many decades of acquired expertise, we are able to address our clients' questions quickly and to their satisfaction, while more complex issues are carefully researched and discussed internally before a well-reasoned answer is provided. Our staff members regularly attend professional seminars, such as those offered by the Government Finance Officers Association ("GFOA"), and we are often asked to present on topics involving the fiscal operations of public jurisdictions.

CPA Oversight. Senior Director Rick McCarthy, CPA will provide compliance oversight in connection with this engagement. In addition to being a CPA, Rick has an MBA from Cornell University and over 40 years of experience working with public jurisdictions across the nation. He has worked on numerous projects that were funded with state and Federal grant monies.

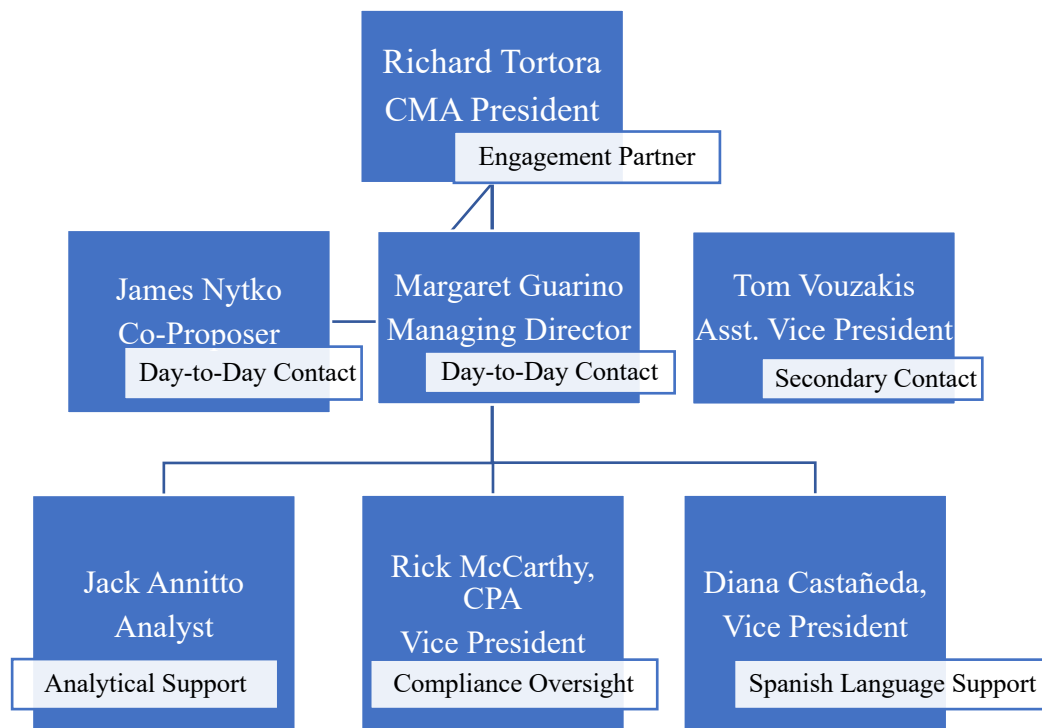
In addition, on certain ARPA engagements, CMA/LGS partners with a large, regional, independent accounting and auditing firm, PKF O'Conner Davies, that can provide comprehensive accounting insight with respect to ARPA matters. This firm co-hosted our last ARPA webinar and will co-host again on March 30th.

PROPOSED TEAM ORGANIZATIONAL CHART

Richard Tortora, CMA President will be responsible for ensuring that the County's team has access to all of CMA's resources. *Margaret Guarino, Managing Director* in charge of CMA's Strategic Consulting Group and together with James Nytko will be one of two lead, day-to-day contacts for the County. She joined CMA in 2016 after a successful 40-year career in public finance as a banker, head of a not-for-profit housing corporation and the Public Development Corporation of New York City under Mayor Ed Koch. Serving as Project Manager, Margaret will supervise the overall provision of services to the County by its 6-person Proposed Project Team to ensure that the appropriate level of staffing and resources are available to meet its objectives and goals. *Senior Director Rick McCarthy, CPA* will be responsible compliance oversight. *Assistant Vice President Tom Vouzakis and Consultant James Nytko* will serve as day-to-day leads for the County. James, Managing Director and Principal of LGS, was an employee of CMA prior to founding LGS in August 2019. He has since consulted exclusively to CMA on a number of strategic consulting assignments and has become a subject matter expert on ARPA funds. Diana Casteñeda, CMA Vice President, is fluent in Spanish and will provide lingual support throughout the engagement, as needed.

Following is the proposed Team Organizational Chart for the County. It is followed by resumes of Key Team Members.

Proposed Project Team Organizational Chart



KEY TEAM MEMBER RESUMES

Richard Tortora – Engagement Partner

President and Principal

Richard manages the firm’s headquarters office and is responsible for providing financial advisory services to numerous, municipalities and agencies throughout the Northeast. His role in this engagement would be to ensure that the County is receiving all of the services and manpower that it requires from CMA to achieve its objectives. Over the course of his 35-year career in public finance, he has worked with over 600 municipalities, authorities and school districts including the counties of Albany, Monroe, Rockland, Suffolk and Westchester. Prior to co-founding CMA, he managed the northeast practice of Evensen Dodge, Inc., the nation’s oldest, independent financial advisory firm, for 9 years and prior to that he managed The Bank of New York’s financial advisory practice for 5 years. He worked as an Associate with the Wall Street law firm of Hawkins, Delafield & Wood and started his career in finance at Cantor Fitzgerald Securities Corp. as in-house counsel.

Richard routinely speaks at industry conferences including the Government Finance Officers Association (“GFOA”) and NYS Association of Certified Public Accountants. He holds a law degree from St. John’s University School of Law and a B.A. degree from Fordham University in Political Science/Public Administration. He is a former board member of the GFOA and is an active member of New York State ASBO and the National Association of Municipal Advisors (“NAMA”). Richard has been licensed by the Municipal Securities Rulemaking Board (“MSRB”) and Securities and Exchange Commission (“SEC”) as both a Series 50 Registered Municipal Advisor Representative and a Series 54 Municipal Principal. He resides on Long Island with his wife and two of his four sons.

Margaret Guarino – Day-to-Day Contact

Managing Director, CMA’s Strategic Consulting Group

Margaret manages CMA’s Strategic Consulting Services Group, which provides its clients with management support in several areas that are vital to their ongoing success. She joined CMA in 2016 after a successful 40+ year career as a banker with Bank of America/Merrill Lynch. Her career in banking was preceded by positions as the head of a not-for-profit housing corporation and Senior Vice President at the Public Development Corporation of New York City under New York City Mayor Ed Koch.

Since 2016, Margaret has worked closely with the cities of Long Beach and Glen Cove, the towns of Islip and Riverhead and the US Virgin Islands to prepare multi-year financial plans that address, among other things, operations, existing and future debt, efficiency and management practices as well as comprehensive credit rating presentations and deficit reduction plans that include revenue enhancement initiatives and expenditure reduction opportunities.

Margaret earned both undergraduate and graduate degrees in City and Regional Planning from Pratt Institute of Technology. She has three sons and lives with her husband on Long Island.

James Nytko – Day to Day Contact
Consultant, Managing Director LGS

James is a Managing Director and Principal of Local Government Solutions, LLC. He has 15 years of financial management experience, having worked in both the public and private sectors. Prior to founding LGS, James was one of CMA's lead advisors in the firm's prior Hudson Valley office. While in this role, he concurrently provided operational consulting services to a variety of public jurisdictions.

James has served as financial advisor to wide variety of issuers including counties, cities, city improvement authorities, towns, villages, school districts, and fire districts. He has been involved in the issuance of hundreds of bond, note and lease financings with a total par well exceeding 5 billion dollars. Having developed comprehensive long-term fiscal improvement plans, James specializes in strategic planning, policy development and economic analysis. In addition, he is proficient in identifying and submitting applications for grant funding opportunities.

James is a graduate of Marist College and holds both a Bachelor of Science in Business Administration (concentration in finance) and a Master of Public Administration from the college. In 2016, he was formally recognized for his commitment to professional excellence and competence by the GFOA, which awarded him a Certificate of Professional Development in Public Finance. As a member of the GFOA he has presented to association members on "Best Practices in Debt Management" and "Investment of Public Funds by Local Governments in New York State". James is also a member of the Connecticut GFOA.

Over the past two years, James Nytko, LGS's Managing Director and Principal, has been working with a DIXWORKS LLC, a longstanding Connecticut financial advisory firm whose Principal has conducted business in the State of Connecticut for nearly 50 years and has recently decided that he will retire in the foreseeable future. In the capacity of a subconsultant, James is currently working with the Advisor to meet the firm's clients and to assist on a number of financial transactions. Over the period of the next 1-2 years, LGS expects that it will fully assume the role of Municipal Advisor to all jurisdictions represented by the Connecticut advisory firm.

James is a licensed by the MSRB and SEC as a Series 50 Registered Municipal Advisor Representative and a Series 54 Municipal Principal.

Rick McCarthy, MBA, CPA – Compliance Oversight
Senior Director

Rick is a Senior Director at CMA, specializing in financings related to the treatment of solid waste, wastewater and drinking water. He was formerly the President of Environmental Capital, LLC, a registered Municipal Advisor firm, which he founded in 1990.

Rick has worked in public finance for over 35 years. Prior to establishing Environmental Capital, he was a Vice President at Bear Stearns, in charge of solid waste financings from 1987 to 1990 and prior to that he was the manager of the Resource Recovery and General Obligation Bond Group in the Public Finance Department at Manufacturers Hanover Trust Company from 1982 to

1987. Rick specializes in start-up financings and financings with new or unusual structures and has advised seven environmental authorities on their development and initial financings. He serves as the financial advisor to ten environmental authorities, to which he provides a variety of financial and strategic advice. Rick has performed a wide variety of other financial advisory assignments for county, city and town clients, such as water, sewer and solid waste system consolidations, mergers and sales; the development of regional authorities; financial feasibility studies and utility rate studies. He has pioneered the use of subsidized loans offered by the New York State Environmental Facilities Corporation for solid waste projects and for advance refundings.

Rick received his bachelor's degree from Cornell University and his Master of Business Administration from the University of Chicago. He is a Certified Public Accountant and a licensed Series 50 Municipal Advisor Representative.

Diana Castañeda, M.A. – Spanish Language Services
Vice President

Diana is one of CMA's two, in-house credit experts. She joined CMA in 2019 with 20 years of experience in public finance in New York State. She started her career at Moody's Investors Service where she worked for 6 years as a public finance credit analyst. While at Moody's, as part of the rating process, Diana analyzed the budgets of counties, cities and housing finance agencies across the Northeastern United States. She next moved to Assured Guaranty, currently the nation's largest municipal bond insurer, where she worked for two years. Prior to joining CMA, she was a Vice President at The Bank of New York Mellon where she worked in the Public Finance, Capital Markets and Derivatives groups.

Diana is an active member of the Northeast Chapter of Women in Public Finance, NYS GFOA and MAGNY. Strategic Consulting clients of CMA that she has worked with include Ulster County, the City of Long Beach, and the town of Brookhaven. Diana completed her undergraduate work at University of Massachusetts at Amherst and obtained a master's degree from NYU. She is a licensed Series 50 Municipal Advisor Representative. Diana would provide Spanish language support to the County.

Tom Vouzakis – Secondary Contact
Assistant Vice President

Tom provides analytical support to the CMA Strategic Consulting Services' clients. He has expertise in preparing spreadsheets and provides analysis to support multi-year financial plans and budgets. His strategic consulting client assignments have included, to date, the US Virgin Islands, towns of Ramapo, Riverhead and Hempstead and cities of Glen Cove and Long Beach.

Tom has a B.S. degree in Finance from NYU's Stern School of Business. He interned for CMA during the summers of 2010, 2011 and 2012 before joining the firm full time as an analyst in 2014. He is a licensed Series 50 Municipal Advisor Representative.

SECTION III - REFERENCES

REFERENCES

CMA believes that our clients are the most valuable source of information about our skills, resources, and capabilities to service your account. We encourage you to contact the following three individuals from existing CMA clients in your evaluation of our response to your RFP.

City of Poughkeepsie
American Rescue Plan Act & Strategic Consultants

Mr. Brian Martinez
Commissioner of Finance
City of Poughkeepsie
845-451-4025
bmartinez@cityofpoughkeepsie.com

City of New Rochelle
American Rescue Plan Consultant

Mr. Edward Ritter
Commissioner of Finance
914-654-2066
eritter@newrochelleny.com

City of Rochester
American Rescue Plan Consultant

Ms. Kristina Heilighenthaler, MSW
Office of Management and Budget
Department of Recreation and Human Services
(585) 428-7287
Kristina.Heilighenthaler@cityofrochester.gov

County of Ulster
Budget Consultant to County Legislature

Amber K. Feaster, CPA
Deputy Clerk / Legislative Financial Analyst
(845) 340-3900
afea@co.ulster.ny.us

County of Albany
Financial Advisor

Hon. Susan Rizzo
Comptroller
(518) 447-7130
Susan.rizzo@albanycountyny.gov

SIMILAR TYPE ENGAGEMENTS

There are several past and ongoing assignments, including ARPA Compliance, that we believe provide valuable experience and insight for the work to be done on behalf of the County. A brief description of select assignments is included below. Additional examples or work products can be provided upon request.

1. CITY OF POUGHKEEPSIE	
I. Population	30,469
II. Role of Team	<ul style="list-style-type: none"> • <i>American Rescue Plan Act Consultant</i> • COVID-19 Pandemic 2021 Impact Analysis • Operational Budget Consulting • Capital Improvement Plan Review • Departmental Review • Operational Review • Workforce Analysis • Shared Services Review • Development Strategic Fiscal Improvement Plan • Grant Procurement • Policy Development • Plan Implementation • Best Practices Recommendations
III. Project Description	<p>2021 American Rescue Plan Act Consultant. In March of 2021, CMA/LGS was retained by the City of Poughkeepsie to act as its strategic consultant with respect to its \$20+ million allocation of ARPA funds. In this capacity, among other things, our SCG will work with the City to facilitate and oversee the operations of an internal task force, to develop a strategic spend plan, to provide support to City officials, assist with public engagement, support future reporting requirements and to implement ARPA initiatives.</p> <p>2021 Proposed Budget Analysis. After reviewing CMA/LGS's analysis for Ulster County, in December 2020 the City of Common Council retained CMA/LGS to develop to conduct an analysis of the Mayor's Preliminary Budget for its fiscal year ending December 31, 2021. Members of CMA/LGS commenced work on a comprehensive review immediately, which continues to be an ongoing engagement as of the date of this proposal. CMA/LGS delivered to the Common Council and the City a report detailing its analysis of preliminary budget, economic environment and key departments. In light of current economic conditions, CMA/LGS's analysis focused particularly on the economic and fiscal impacts of the COVID-19 pandemic.</p> <p>2019 Budget Analysis. Subsequent to public release of CMA's fiscal strategic improvement report (further discussed below), our team was retained to act in the capacity of the City's operating budget consultant with respect to their 2019 budget. The 2019 Budget was successfully adopted by the City Council.</p>

	<p>Strategic Fiscal Improvement Plan. Our team was engaged to assist with the development of a strategic fiscal improvement plan aimed at reducing the City's deficit and reestablishing the City's credit rating. Our staff conducted on-site interviews with City officials, gathered information on City operations, comprehensively analyzed the economic environment and accumulated data on comparable municipalities to compare and contrast with City metrics. Interviews and data were thoroughly analyzed and served as the basis for a Strategic Fiscal Improvement Plan, which presented the findings of our team's evaluation and included various recommendations. In addition, our team assisted the City to develop various fiscal policies, including a Debt Management Policy which was successfully adopted by the City Council.</p> <p>Grants. To mitigate the cost associated with the development of the City's Strategic Improvement Plan, our team identified two grant programs and wrote applications for each on behalf of the City. The grant submissions on behalf of the City were successful and are further discussed below.</p> <p><i>Planning Grant.</i> As noted, our team was successful in identifying and submitting a grant application in the early stages of its work with the City. Ultimately, an award was made which covered the full cost of developing the City's strategic plan.</p> <p><i>Initiative Implementation Grant.</i> During the initial evaluation period, conversations were held with various State and local government officials to determine what resources, if any, were available to the City. Our team was successfully able to identify an opportunity through the New York State Financial Restructuring Board for Local Governments. We determined that funding through this program could be utilized by the City to counterbalance the upfront costs of executing key initiatives. Ultimately, a special aid package of \$3.0 million was approved by the State. The aid package included \$1.0 million for economic development, \$1.25 million to help resolve long-standing collective bargaining issues and \$0.75 million to consolidate certain transit functions. <i>One of the funded initiatives was selected as the winner of the New York State Conference of Mayor's Local Government Achievement Award.</i></p>	
IV. Team Members	3	
V. Guidance and Recommendations	Combined, the multiyear strategic plan and grant funds proved to be a major success. To date, fiscal policies and best practices have been implemented and fiscal conditions in the City continue to improve compared to prior years.	
VI. Primary Contact Name/Phone	Hon. Robert Rolison Mayor Phone: (845) 451-4025	Mr. Brian Martinez Commissioner of Finance Phone: (845) 451-4025

2. CITY OF NEW ROCHELLE, NEW YORK	
I. Population	79,067
II. Role of Team	<ul style="list-style-type: none"> <i>American Rescue Plan Strategic Consultant</i>

III. Project Description	<p>2021 American Rescue Plan Act Consultant. With LGS acting in the capacity as consultant, CMA was retained by the City to act in the capacity as its ARPA consultant with respect to its multimillion-dollar allocation. Among other things, our CMA/LGS will work with the City to facilitate and oversee the operations of an internal strategic task force, assist in the development of a spend plan, provide research and general support to City officials, assist with public engagement, support future reporting requirements and to implement selected ARPA initiatives.</p> <p>Similar to the City of Poughkeepsie, CMA/LGS is actively in the process of developing an ARPA web portal which is expected to be launched in the coming weeks on behalf of the City.</p>
IV. Number of Team Members	5
VI. Primary Contact Name/Phone	<p>Mr. Ed Ritter Commissioner of Finance Phone: (914) 654-2066</p>

3. CITY OF NEW ROCHESTER, NEW YORK

I. Population	206,848
II. Role of Team	<ul style="list-style-type: none"> <i>American Rescue Plan Strategic Consultant</i>
III. Project Description	<p>2021 American Rescue Plan Act Consultant. With LGS acting in the capacity as consultant, CMA was retained by the City to act in the capacity as its ARPA consultant with respect to its \$200+ million-dollar allocation. Among other things, CMA/LGS will work with the City to assist in the development of a spend plan, provide research and general support to City officials, assist with public engagement, support future reporting requirements and to implement selected ARPA initiatives.</p>
IV. Number of Team Members	5
VI. Primary Contact Name/Phone	<p>Mr. Christopher Wagner Budget Director Phone: (585) 428-6836</p>

4. CITY OF LONG BEACH

I. Population	133,534
II. Role of Team	<ul style="list-style-type: none"> American Rescue Plan Strategic Consultant COVID-19 Pandemic Impact Analysis Budget Analysis Analysis of Economic Environment Operational Review Workforce Analysis Shared Services Review Development of Fiscal Conditions Analysis Development of Multi-Year Financial Plan

	<ul style="list-style-type: none"> • Strategic Deficit Reduction Recommendation • Fiscal and Operational Policy Development • Plan Implementation • Best Practices Recommendations
III. Project Description	<p>2021 American Rescue Plan Act Consultant. As part of its ongoing strategic consulting engagement with the City of Long Beach, CMA/LGS act in the capacity as the City's ARPA consultant with respect to its multimillion-dollar allocation. Among other things, CMA/LGS will work with the City to facilitate and oversee the operations of an internal strategic task force, assist in the development of a spend plan, provide research and general support to City officials, assist with public engagement, support future reporting requirements and to implement selected ARPA initiatives.</p> <p>Budget Analysis. For the City's 2021-22 budget process, CMA/LGS assisted the City to revamp both the City's budget process and the presentation of its budget book. The City's 2021-22 budget was successfully adopted in May of 2021.</p> <p>Fiscal Conditions Analysis. As part of our engagement with the City, our team developed a fiscal condition's analysis aimed at identifying economic and fiscal trends and to assist the City in reestablishing structural balance to its finances. Our staff conducted a series of comprehensive on-site interviews with key City officials, gathered information on City operations, reviewed economic conditions and accumulated data on comparable municipalities to compare and contrast with City metrics. Interviews and data have been thoroughly analyzed and served as the basis for a (draft) report, which has been presented to the City Council. The findings of our evaluation and approximately 50 recommendations are included in the draft report. To mitigate various costs associated with the implementation of initiatives included in the strategic plan, our team continues to work with the New York State Financial Restructuring Board for Local Government who may be able to provide a significant level of grant funding to the City.</p> <p>Multi-Year Plan. As a second phase of the fiscal condition analysis, our team developed a multi-year strategic financial plan. Multiple draft reports have been delivered to the City and CMA/LGS believes in the near future the City intends to publicly release the multi-year plan.</p> <p>Strategic Deficit Reductions. Following the onset of the COVID-19 pandemic, the City engaged CMA, with LGS acting in the capacity as consultant, to review the City's budget and recommend options to deal with the City's deficit; potentially exacerbated by COVID-19 related revenue losses and anticipated reductions in State Aid.</p>
IV. Number of Team Members	3
VI. Primary Contact Name/Phone	<p>Ms. Donna Gayden City Manager Phone: (516) 431-1001</p>

SECTION IV – PLAN IMPLEMENTATION

It is critical to think strategically about how the one-time Federal ARPA aid can make a transformative difference for the County and its stakeholders. Our expert team stands ready to guide and assist the County with respect to:

Comprehensive ARPA Internal procedure, Oversight and Process Management. If requested, the CMA Team will assist the County to organize an ARPA project team comprised of County leadership and our staff. This is a service that CMA has successfully performed for our existing ARPA clients. In fact, as the Task Force Facilitator for the City of Poughkeepsie, which serves as the ARPA investigative and advisory body of the City, CMA has developed significant experience with respect to the development, organization and ongoing management of ARPA project teams. CMA crafted the comprehensive guiding principles of Poughkeepsie’s Task Force, which govern the group’s activities and actions.

- *Prepare working team management plan;*
- *Coordinate, facilitate and participate in recurring work team meetings;*
- *Prepare and distribute meeting agendas;*
- *Distribute advice and/or information to the working team, as appropriate; and*
- *Prepare performance and/or status reports.*

Internal ARPA Guidelines, Parameter Oversight and Best Practices. Our Team will simplify ARPA guidelines and educate County Officials to make certain its “strategic spend plan” and internal ARPA procedures are compliant with ARPA parameters:

- *Investigate and educate applicable staff and officials on ARPA program requirements, processes, constraints, reporting, funding schedules and all other applicable factors;*
- *Evaluate the County’s ability and capability to comply with ARPA parameters;*
- *Identify of risks that may prevent funding;*
- *Assist in the development of accountability and reporting mechanisms;*
- *Assist in summarizing ARPA guidelines and educating key County officials;*
- *Work to resolve disputes as they arise, if any;*
- *Provide technical specialized assistance as requested.*

Strategic Financial Advisory. Together with County officials, CMA will develop a strategic long-term comprehensive ARPA financial plan. (written and/or online). To do so, CMA will provide the County with technical, strategic and financial advisory services, advice, information and updates, advise of potentially problematic issues and develop solutions, provide timely verbal and written advice, provide support for navigating Federal agency web portals, assist in training County staff, work to resolve County disputes related to ARPA funding, provide oversight to facilitate progress, provide award/close-out services and provide for fraud, waste and abuse identification, reporting and remediation. In addition, we will assist the County to identify, analyze and prioritize funding opportunities outside ARPA to strategically maximize the impact of every ARPA dollar spent by the County.

External Stakeholder/Subrecipient Education and Engagement. We understand the importance of strategic community engagement. Nevertheless, stakeholders and subrecipients must first be informed and understand the complexities of ARPA. Our experienced team of professionals possesses the capability to assist the County with respect to all aspects of its public engagement efforts.

As applicable, CMA will recommend and develop fiscal policies, procedures and internal controls that will assist the County to construct a framework for its ARPA program.

- *Develop and implement a strategic stakeholder education and engagement plan;*
- *Create comprehensive marketing materials;*
- *Develop an online digital footprint which can be utilized to provide educational material to the general public and stakeholders;*
- *If appropriate, develop and assist in the distribution of digital and/or hardcopy surveys, polls and other forms engagement tools.*

Subrecipient Funding Requests (County's Perspective). CMA understands that ARPA recipients remain responsible for awards made to subrecipients (including, but not limited to small businesses and non-profit organizations). As such, we will assist the County to develop an approach that mitigates the potential for risk. This may include the development of ARPA subrecipient funding applications and participation in the drafting of ARPA subrecipient agreements. This two-prong approach has works well for our ARPA clients. The subrecipient applications achieve two primary purposes. Foremost, the applications ensure ample data is available to inform the County's decision-making process. Secondly, the applications act as the foundation commencing record keeping activities. The subrecipient agreement comes after a funding decision is made and mitigates risk by defining legal arrangement between the County and subrecipient (The County's legal team would need to participate in this process). Strong internal controls and an upfront application can be effective tools to mitigate future risks, fraud and can be considered the starting point and foundation for sound record keeping activities. Equally as import to risk mitigation is long-term compliance. As funding requests are being considered, the lasting compliance requirements should also be considered.

- *Develop effective internal controls, policies and procedures with respect to long-term ARPA financial reporting requirements;*
- *Create standardized processes to evaluate subrecipient requests and to mitigate future risks of non-compliance or fraud;*
- *Assist in establishing processes for collecting data and information upfront to ensure a sound foundation is constructed for record keeping efforts;*
- *Assis the County to request appropriate and timely financial reports from subrecipients.*

Subrecipient Funding Requests (Subrecipient Perspective). As the County begins to make awards to subrecipients, we understand these external entities may require assistance. Just as our team will educate and assist the County, we will be available to assist subrecipients as follows:

- *Assist subrecipients in the development of ARPA internal controls, policies and procedures;*

- *Assist the subrecipients to provide timely financial reports to the County;*
- *As appropriate, identify other sources of funding to reduce reliance on ARPA funds;*

Special Note: We have staff members who are fluent in Spanish and capable of providing assistance to Spanish speaking stakeholders or subrecipients.

Reporting and Compliance. With decades of experience in regulatory compliance, our team will guide the County with respect to the reporting requirements of the ARPA as follows:

- *Provide recurring progress reports to support County staff efforts;*
- *Develop strategic internal processes and project templates to ensure financial reporting compliance;*
- *Attend meetings (virtually or in-person) as required or requested.*

CPA Oversight. Senior Director Rick McCarthy, CPA will provide compliance oversight in connection with this engagement. In addition to being a CPA, Rick has an MBA from Cornell University and over 40 years of experience working with public jurisdictions across the nation. He has worked on numerous projects that were funded with state and Federal grant monies.

In addition, on certain ARPA engagements, CMA/LGS partners with a large, regional, independent accounting and auditing firm, PKF O’Conner Davies, that can provide comprehensive accounting insight with respect to ARPA matters.

Record Keeping Efforts (Consultant Specific). We understand all operational working records and reports must be retained for a minimum of five (5) years beyond the expiration of the engagement, at which time such records will be required to be turned over to the County. Our team will make such operational working records and reports available, during the term of the contract and for five (5) years beyond the expiration of the contract.

Cost Recovery Management and Fiscal Oversight Assistance. Our team will review contracts and purchasing documentation to ensure cost recovery and review County and sub-recipient policies, procedures and other relevant documents. In addition, we will establish proper reporting internal control mechanisms to record and track ARPA funding, proactively recommend processes or procedures to achieve compliance, assist in reviewing revenue replacement calculation and processing reimbursement requests and summarizing costs for presentation to the Federal government.

Meetings. CMA will participate and/or facilitate ARPA working team meetings, attend ARPA meetings with County leadership and/or the public, and collaborate with the County officials to prepare presentation materials.

Equipment. The CMA team will provide all of the equipment required by its team members to perform the services required by the County.

DETAILED WORK PROGRAM

The following summary provides details of our tentative work program. We have structured this proposal to meet the project's objectives within the required timeframe and will work closely with County officials and key stakeholders to ensure that the timeline is adhered to, and that sufficient time is built into the schedule to enable comprehensive research and analysis as well as community engagement and education. Our ability to stay on schedule is, of course, predicated on the timely satisfaction of the project team's data and information requests. We commit to working with all involved and affected stakeholders to ensure that is the case.

Milestone 1:

Task: Define Working Team, County Objectives and Scope of Engagement

Timeline: Commencing Immediately, Completion Week 1

- Establish ARPA internal working team;
- Establish working team roles;
- Distribute working team contact list to applicable parties;
- Define County ARPA initial goals and objectives, and;
- Define scope of engagement.

Milestone 2:

Task: Commence in Programmatic Support Activities and Assist in the facilitation of the ARPA Working Committee

Timeline: Commencing Immediately After Kickoff Meeting (Week1/2), Then Ongoing

- As appropriate, assist in the facilitation and development of ARPA related guidelines, guiding principles and/or written procedures;
- Prepare project team management plan;
- Coordinate, facilitate and participate in recurring team meetings;
- Prepare and distribute meeting agendas;
- Provide advice and/or information to the project team, as appropriate; and
- Prepare periodic performance and/or status reports.

Milestone 3:

Task: Conduct Strategic ARPA Research and Analysis

Timeline: Commencing Immediately After Kickoff Meeting (Week1/2), Then Ongoing

- Investigate ARPA program requirements, process, constraints, reporting, funding schedule and all other applicable factors;
- Evaluate the County's ability to meet identified ARPA parameters;
- Identify risks that may prevent funding;
- Assist in the development of accountability and reporting mechanisms;
- Assist in summarizing findings to key County officials and/or staff members;

- Work with the County to resolve disputes, if any, as they arise.
- Advise the County with respect to any amendments and/or clarifications of ARPA parameters.

Milestone 4:

Task: Develop Public/Stakeholder Education and Engagement Strategies

Timeline: Commencing Immediately After Kickoff Meeting (Week1/2), Then Ongoing

- If requested, develop an Interactive ARPA Information / Transparency Portal to support the County's ARPA process (inclusive of stakeholder educational components, online stakeholder interactive engagement survey and online ARPA funding application/request);
- Educate key County officials with respect to ARPA parameters and best uses;
- Assist with public education of ARPA funds;
- Develop other public engagement strategies, and;
- Assist subrecipients to develop ARPA related internal controls, policies and procedures.

Milestone 5:

Task: Development of Comprehensive Written Strategic Plan

Timeline: Estimated 2 to 4 Weeks (or Longer Depending on County Schedule)

- Vision statement;
- Short-term and long-term objectives and goals;
- Previously identified ARPA rules, constraints, parameters, reporting requirements and reimbursement schedule;
- Environmental factors, including but not limited to, community needs and resources, essential workers, impacted citizens and commercial entities, property value trends, intergovernmental constraints, infrastructure (water, sewer, broadband), unfunded liabilities, pending claims and litigation;
- Organizational factors, including but not limited to, management practices, departmental structures and internal policies and procedures;
- Evaluate, as appropriate, historic and current financial and economic conditions, including but not limited to revenues, expenditures, fund balance and the corresponding fiscal and economic impact of the COVID-19 Pandemic;
- Project cash flow requirements;
- Develop strategies, initiatives and recommendations based on the County's vision;
- Quantify the short-term and long-term estimated impact of spending decisions; and
- Performance measures to assess progression.

Milestone 6:

Task: Project Management and Implementation

Timeline: Ongoing

- Develop mechanisms to support the effective implementation of ARPA initiatives;
- Develop key performance metrics to measure public benefit;
- Provide necessary assistance to key County officials and departments.

Milestone 7:

Task: Compliance, Reporting and Monitoring

Timeline: April 2022, Then Ongoing to Complete Annual Reports

- Assist the County to ensure accountability and compliance with reporting requirements;
- Develop financial and operational internal controls, policies and/or procedures, as deemed applicable and appropriate;
- Participate in and facilitate ongoing ARPA meetings;
- Develop and distribute recurring progress reports;
- Develop compliance reporting templates to mitigate the risk of “claw backs”;
- Advise the County on problem areas and develop solutions/resolutions expeditiously for decisions by the County during the course of the engagement; and
- Assist in responding to any adverse results, if any.

As time passes, the ARPA parameters could conceivably change. As appropriate and necessary, CMA will assist the County with additional ad-hoc strategic ARPA efforts that were not otherwise included in the scope of work.

(The remainder of this page has been left intentionally blank.)

SECTION V – COST PROPOSAL

CMA's Cost Proposal should be deemed confidential and not subject to FOIL as it would give competitors and unfair advantage.

Following is the proposed level of compensation sought by the CMA.

Since the ARPA is a new program with rules and guidelines still under review, it is difficult to accurately project how much time will be spent by CMA personnel in connection with this engagement. Accordingly, CMA proposes to be compensated in either one of the two following ways.

- 1. FIXED RATE OPTION - Compensation via Set Monthly Retainer:** CMA would be paid via a fixed monthly retainer of seven thousand, five hundred \$(7,500) dollars, payable monthly, in arrears.

OR

- 2. VARIABLE RATE OPTION - Compensation at an Hourly Rate by Title**

Title	Hourly Rate ⁽¹⁾
President/Managing Director/Senior Director	\$250.00
Vice President	\$195.00
Assistant Vice President	\$150.00
Associate	\$125.00
Analyst	\$100.00
Blended Hourly Rate	\$205.00

(1) billed in 10-minute increments

In addition, CMA would seek to be reimbursed for any required overnight delivery, document production and travel expenses incurred in connection with this engagement.

No additional fees will be charged to the County by CMA without the prior written consent of the County. As per the Treasury's Final Rule, ARPA consultant fees are eligible to be paid from ARPA funds.

END OF PROPOSAL

SECTION VI – MANDATORY DOCUMENTATION

Mandatory Documents

ATTACHMENT "A"
NON-COLLUSIVE BIDDING CERTIFICATE PURSUANT TO
SECTION 103-D OF THE NEW YORK STATE GENERAL MUNICIPAL LAW

A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organizations, under penalty of perjury, that to the best of knowledge and belief:

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor.

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not knowingly been disclosed by the bidder and will not knowingly be disclosed by the bidder, directly or indirectly, prior to opening, to any bidder or to any competitor.

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

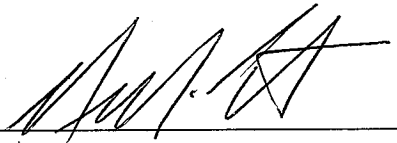
A bid shall not be considered for award nor shall any award be made where (1), (2), and (3) above have not been complied with; provided, however, that in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons thereof. Where (1), (2), and (3) above have not been complied with, the bid shall not be considered for any award nor shall any award be made unless the head of the Purchasing Unit to the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customer of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of paragraph "A" above.

B. Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, local law, and where such bid contains the certification referred to in paragraph "A" of this section, shall be deemed to have been authorized by the Board of Directors of the bidder, and such authorization shall be deemed to include the submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation

3/16/22

Date


Signature

President

Title

Capital Markets Advisors, LLC
Company Name

ATTACHMENT "B"
ACKNOWLEDGMENT BY PROPOSER

If Individual or Individuals:

STATE OF _____)
COUNTY OF _____) SS.:

On this _____ day of _____, 20____, before me personally appeared _____ to me known and known to me to be the same person(s) described in and who executed the within instrument, and he (or they severally) acknowledged to me that he (or they) executed the same.

Notary Public, State of _____

Qualified in _____

Commission Expires _____

If Corporation:

STATE OF _____)
COUNTY OF _____) SS.:

On this _____ day of _____, 20____, before me personally appeared _____ to me known, who, being by me sworn, did say that he resides at (give address) _____; that he is the _____ (give title) _____ of the _____ (name of corporation) _____, the corporation described in and which executed the above instrument; that he knows the seal of the corporation, and that the seal affixed to the instrument is such corporate seal; that it was so affixed by order of the board of directors of the corporation, and that he signed his name thereto by like order.

Notary Public, State of _____

Qualified in _____

Commission Expires _____

If Partnership:

STATE OF New York)
COUNTY OF Erie) SS.:

On the 16 day of March, 2022, before me personally came Richard Tortora, to me known to be the individual who executed the foregoing, and who, being duly sworn, did depose and say that he / she is a partner of the firm of Capital Markets Advisors, LLC and that he / she has the authority to sign the same, and acknowledged that he / she executed the same as the act and deed of said partnership.



Notary Public, State of New York

Qualified in Erie County

Commission Expires 9/26/2025

ATTACHMENT "C"
ALBANY COUNTY
VENDOR RESPONSIBILITY QUESTIONNAIRE

1. VENDOR IS: <input type="checkbox"/> PRIME CONTRACTOR <i>Capital Markets Advisors, LLC</i>			
2. VENDOR'S LEGAL BUSINESS NAME <i>11 Grace Avenue, Suite 308</i> <i>Great Neck, NY 11021</i>		3. IDENTIFICATION NUMBERS a) FEIN # <i>02-0582108</i> b) DUNS #	
4. D/B/A – Doing Business As (if applicable) & COUNTY FIELD:		5. WEBSITE ADDRESS (if applicable) <i>www.capmark.org</i>	
6. ADDRESS OF PRIMARY PLACE OF BUSINESS/EXECUTIVE OFFICE		7. TELEPHONE NUMBER <i>516-487-9815</i>	8. FAX NUMBER <i>516-487-2575</i>
9. ADDRESS OF PRIMARY PLACE OF BUSINESS/EXECUTIVE OFFICE <i>IN NEW YORK STATE, if different from above</i>		10. TELEPHONE NUMBER	11. FAX NUMBER
12. AUTHORIZED CONTACT FOR THIS QUESTIONNAIRE Name <i>Richard Tortora</i> Title <i>President</i> Telephone Number <i>516-487-9815</i> Fax Number <i>516-487-2575</i> e-mail <i>rtortora@capmark.org</i>			
13. LIST ALL OF THE VENDOR'S PRINCIPAL OWNERS.			
a) NAME <i>Richard Tortora</i>		TITLE <i>President</i>	
b) NAME <i>Rick Ganci</i>		TITLE <i>E.V.P. + Principal</i>	
c) NAME		TITLE	
d) NAME		TITLE	
A DETAILED EXPLANATION IS REQUIRED FOR EACH QUESTION ANSWERED WITH A "YES," AND MUST BE PROVIDED AS AN ATTACHMENT TO THE COMPLETED QUESTIONNAIRE. YOU MUST PROVIDE ADEQUATE DETAILS OR DOCUMENTS TO AID THE COUNTY IN MAKING A DETERMINATION OF VENDOR RESPONSIBILITY. PLEASE NUMBER EACH RESPONSE TO MATCH THE QUESTION NUMBER.			
14. DOES THE VENDOR USE, OR HAS IT USED IN THE PAST FIVE (5) YEARS, ANY OTHER BUSINESS NAME, FEIN, or D/B/A OTHER THAN THOSE LISTED IN ITEMS 2-4 ABOVE? List all other business name(s), Federal Employer Identification Number(s) or any D/B/A names and the dates that these names or numbers were/are in use. Explain the relationship to the vendor. <div style="text-align: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div>			
15. ARE THERE ANY INDIVIDUALS NOW SERVING IN A MANAGERIAL OR CONSULTING CAPACITY TO THE VENDOR, INCLUDING PRINCIPAL OWNERS AND OFFICERS, WHO NOW SERVE OR IN THE PAST ONE (1) YEARS HAVE SERVED AS: <div style="margin-top: 10px;"> a) An elected or appointed public official or officer? <i>List each individual's name, business title, the name of the organization and position elected or appointed to, and dates of service</i> <div style="text-align: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> </div> <div style="margin-top: 10px;"> b) An officer of any political party organization in Albany County, whether paid or unpaid? <i>List each individuals name, business title or consulting capacity and the official political position held with applicable service dates.</i> <div style="text-align: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> </div>			

<p>16. WITHIN THE PAST (5) YEARS, HAS THE VENDOR, ANY INDIVIDUALS SERVING IN MANAGERIAL OR CONSULTING CAPACITY, PRINCIPAL OWNERS, OFFICERS, MAJOR STOCKHOLDER(S) (10% OR MORE OF THE VOTING SHARES FOR PUBLICLY TRADED COMPANIES, 25% OR MORE OF THE SHARES FOR ALL OTHER COMPANIES), AFFILIATE OR ANY PERSON INVOLVED IN THE BIDDING OR CONTRACTING PROCESS:</p> <p>a) 1. been suspended, debarred or terminated by a local, state or federal authority in connection with a contract or contracting process;</p> <p>2. been disqualified for cause as a bidder on any permit, license, concession franchise or lease;</p> <p>3. entered into an agreement to a voluntary exclusion from bidding/contracting;</p> <p>4. had a bid rejected on an Albany County contract for failure to comply with the MacBride Fair Employment Principles;</p> <p>5. had a low bid rejected on a local, state or federal contract for failure to meet statutory affirmative action or M/WBE requirements on a previously held contract;</p> <p>6. had status as a Women's Business Enterprise, Minority Business Enterprise or Disadvantaged Business Enterprise, de-certified, revoked or forfeited;</p> <p>7. been subject to an administrative proceeding or civil action seeking specific performance or restitution in connection with any local, state or federal government contract;</p> <p>8. been denied an award of a local, state or federal government contract, had a contract suspended or had a contract terminated for non-responsibility; or</p> <p>9. had a local, state or federal government contract suspended or terminated for cause prior to the completion of the term of the contract.</p> <p>b) been indicted, convicted, received a judgment against them or a grant of immunity for any business-related conduct constituting a crime under local, state or federal law including but not limited to, fraud extortion, bribery, racketeering, price-fixing, bid collusion or any crime related to truthfulness and/or business conduct?</p> <p>c) been issued a citation, notice, violation order, or are pending an administrative hearing or proceeding or determination of violations of:</p> <p>1. federal, state or local health laws, rules or regulations.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>17. IN THE PAST THREE (3) YEARS, HAS THE VENDOR OR ITS AFFILIATES HAD ANY CLAIMS, JUDGMENTS, INJUNCTIONS, LIENS, FINES OR PENALTIES SECURED BY ANY GOVERNMENTAL AGENCY?</p> <p>Indicate if this is applicable to the submitting vendor or affiliate. State whether the situation(s) was a claim, judgment, injunction, lien or other with an explanation. Provide the name(s) and address(es) of the agency, the amount of the original obligation and outstanding balance. If any of these items are open, unsatisfied, indicate the status of each item as "open" or "unsatisfied."</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>18. DURING THE PAST THREE (3) YEARS, HAS THE VENDOR FAILED TO:</p> <p>a) file returns or pay any applicable federal, state or city taxes? <i>Identify the taxing jurisdiction, type of tax, liability year(s), and tax liability amount the vendor failed to file/pay and the current status of the liability.</i></p> <p>b) file returns or pay New York State unemployment insurance? <i>Indicate the years the vendor failed to file/pay the insurance and the current status of the liability.</i></p> <p>c) Property Tax <i>Indicate the years the vendor failed to file.</i></p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>19. HAVE ANY BANKRUPTCY PROCEEDINGS BEEN INITIATED BY OR AGAINST THE VENDOR OR ITS AFFILIATES WITHIN THE PAST SEVEN (7) YEARS (WHETHER OR NOT CLOSED) OR IS ANY BANKRUPTCY PROCEEDING PENDING BY OR AGAINST THE VENDOR OR ITS AFFILIATES REGARDLESS OF THE DATE OF FILING?</p> <p>Indicate if this is applicable to the submitting vendor or affiliate. If it is an affiliate, include the affiliate's name and FEIN. Provide the court name, address and docket number. Indicate if the proceedings have been initiated, remain pending or have been closed. If closed, provide the date closed.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>20. IS THE VENDOR CURRENTLY INSOLVENT, OR DOES VENDOR CURRENTLY HAVE REASON TO BELIEVE THAT AN INVOLUNTARY BANKRUPTCY PROCEEDING MAY BE BROUGHT AGAINST IT? Provide financial information to support the vendor's current position, for example, Current Ratio, Debt Ratio, Age of Accounts Payable, Cash Flow and any documents that will provide the agency with an understanding of the vendor's situation.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

21. IN THE PAST FIVE (5) YEARS, HAS THE VENDOR OR ANY AFFILIATES:

☐ Yes ☒ No

a) defaulted or been terminated on, or had its surety called upon to complete, any contract (public or private) awarded;

Indicate if this is applicable to the submitting vendor or affiliate. Detail the situation(s) that gave rise to the negative action, any corrective action taken by the vendor and the name of the contracting agency.

1 "Affiliate" meaning: (a) any entity in which the vendor owns more than 50% of the voting stock; (b) any individual, entity or group of principal owners or officers who own more than 50% of the voting stock of the vendor; or (c) any entity whose voting stock is more than 50% owned by the same individual, entity or group described in clause (b). In addition, if a vendor owns less than 50% of the voting stock of another entity, but directs or has the right to direct such entity's daily operations, that entity will be an "affiliate" for purposes of this questionnaire.


FEIN

Date _____

Attachment "D"
Certification Pursuant to Section 103-g
Of the New York State
General Municipal Law

- A. By submission of this bid/proposal, each bidder/proposer and each person signing on behalf of any bidder/proposer certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the New York State Finance Law.
- B. A Bid/Proposal shall not be considered for award, nor shall any award be made where the condition set forth in Paragraph A above has not been complied with; provided, however, that in any case the bidder/proposer cannot make the foregoing certification set forth in Paragraph A above, the bidder/proposer shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. Where Paragraph A above cannot be complied with, the Purchasing Unit to the political subdivision, public department, agency or official thereof to which the bid/proposal is made, or his designee, may award a bid/proposal, on a case by case business under the following circumstances:
1. The investment activities in Iran were made before April 12, 2012, the investment activities in Iran have not been expanded or renewed after April 12, 2012, and the Bidder/Proposer has adopted, publicized and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
 2. The political subdivision makes a determination that the goods or services are necessary for the political subdivision to perform its functions and that, absent such an exemption, the political subdivision would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

3/16/22
Date



Signature
President

Title
Capital Markets Advisors, LLC

Company Name