

RFA #16-BOA-25
New York State
Department of State
Office of Planning and Development
Brownfield Opportunity Area Program
2016 – 2017 REQUEST FOR APPLICATIONS

Key Dates

RFA Release Date: December 13th, 2016. This Request for Applications (RFA) has been posted on the Department of State’s (Department) website at <http://www.dos.ny.gov/funding>.

RFA Updates/Questions: Any updates and/or modifications to this RFA will be posted on the Department’s website at <http://www.dos.ny.gov/funding>.

Written questions will be accepted until ~~January 3rd, 2017~~ February 23, 2017. Questions on this grant program should be directed by e-mail or in writing to Sarah Crowell, as shown below. When corresponding by e-mail, clearly indicate the subject as: “16-BOA RFA Questions”. To the degree possible, each inquiry should cite the RFA section and paragraph to which it refers. Questions received by the above noted due date will be posted with answers on the Department’s website at: <http://www.dos.ny.gov/funding>.

~~This section will be updated during the solicitation period to remain current, with final responses posted by January 13th, 2017.~~
Final responses will be posted March 9, 2017.

Applications Due: Applications are due by, ~~March 1st, 2017~~ April 7, 2017, and must be submitted through the web-based Consolidated Funding Application, as noted below.

Contact: Sarah Crowell
NYS Department of State
Office of Planning and Development
99 Washington Avenue, Suite 1010
Albany, NY 12231
Sarah.Crowell@dos.ny.gov

Application Submission: Apply through the Consolidated Funding Application, which can be found at: <https://apps.cio.ny.gov/apps/cfa/>

Brownfield Opportunity Area Program 2016 – 2017 REQUEST FOR APPLICATIONS

I. INTRODUCTION:

The Department of State (Department) is soliciting applications through the New York State Consolidated Funding Application (CFA) from eligible municipalities, community-based not-for profit organizations, and New York City Community Boards to complete Brownfield Opportunity Area (BOA) Nominations for neighborhoods, downtowns, or other defined areas which were the subject of a previous BOA Pre-Nomination or Nomination grant.

It is expected that Nominations developed through this program will be submitted to the Secretary of State in support of a request for BOA Designation. A BOA Designation conveys certain benefits to the area that promote redevelopment consistent with the vision, goals and objectives outlined in the BOA Nomination.

Through the BOA Program, communities are empowered to:

- Address a range of problems posed by multiple brownfield sites;
- Build community consensus on the future uses for the area with an emphasis on strategic brownfield sites;
- Establish sustainable goals and objectives for area-wide revitalization and for redevelopment of strategic sites;
- Identify and establish the multi-agency and private-sector partnerships necessary to leverage assistance and investments to revitalize downtowns, neighborhoods, and communities; and
- Address environmental justice concerns and promote environmental equity in areas that may be burdened by negative environmental consequences.

This Request for Applications is available on the Department’s website: <http://www.dos.ny.gov/funding/>.

For general questions on this grant program, please contact Sarah Crowell by:

Mail –
New York State Department of State
Office of Planning and Development
99 Washington Avenue, Suite 1010
Albany, New York 12231

or

Email –
Sarah.Crowell@dos.ny.gov.

II. ELIGIBLE APPLICANTS AND APPLICATION PROPOSALS:

Eligible Applicants

Eligible applicants are municipalities, community based organizations and community boards that will complete activities that will result in a complete BOA Nomination for an area that was the subject of a previous BOA grant.

The definitions for each type of eligible applicant follow. This solicitation is open only to proposed brownfield opportunity areas for which a pre-Nomination or a partial Nomination was completed under a previous BOA grant. A list of eligible areas can be found on the Department’s website: <http://www.dos.ny.gov/funding/>. Applications that request funding for areas new to the program, or for areas with complete Nominations accepted by the State, whether or not they have already been designated, are not eligible for funding under this solicitation. Such applications will be disqualified and will not be evaluated further.

- **Municipalities** – Municipalities as defined by Environmental Conservation Law subdivision 15 of section 56-0101 include cities, villages, towns, counties, local public authorities and public benefit corporations, school districts, special improvement districts, and Indian nations or tribes recognized by New York State or the United States with a reservation wholly or partially within the boundaries of New York State.
- **Community Based Organizations** - The community based organization must be a not-for-profit corporation under Section 501(c)(3) of the Internal Revenue Code at the time of application. In addition, its stated mission must be to promote community revitalization (reuse of brownfield sites) within the geographic area in which the community based organization is located; have 25 percent or more of its Board of Directors residing in the community in such area; and represent a community with a demonstrated financial need.
- **Community Boards** - Community Boards are unique to New York City and are defined and described in Section 2800 of the New York City Charter. Access to the New York City Charter is available online at <http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO>.

Eligible Application Proposals

This solicitation is open only to eligible applicant(s) that will submit a complete application to the Department of State that proposes to fund eligible activities that will result in the:

1. Preparation of a new BOA Nomination for an area for which a BOA Pre-Nomination was prepared with funding awarded under a previous DOS BOA Step 1 grant if the Pre-Nomination was deemed complete by the Department;
2. Preparation of a new BOA Nomination for an area for which BOA Pre-Nomination activities were commenced under a previous BOA grant contract, but not completed, and the scope of Pre-Nomination activities can be expanded to include all activities necessary to complete a Nomination that would support Designation of the BOA studied by the Secretary of State;
3. Completion of an incomplete BOA Nomination that was prepared under a previous BOA Step 2 grant if that incomplete Nomination includes some, but not all, of the elements required for BOA Designation.

Applications that request funding for areas new to the program, or for areas with complete Nominations accepted by the State, whether or not those areas have already been designated, are not eligible for funding under this solicitation. Such applications will be disqualified and will not be evaluated further.

III. JOINT APPLICATIONS

Two or more eligible applicants are encouraged to work and conduct approved activities in partnership and jointly apply for funding in support of a BOA Nomination that would improve an area of mutual interest or concern. Joint applicants should identify the municipality, community-based organization, or community board that the Department will recognize as the lead applicant for all purposes, including contract award.

IV. FUNDING OPPORTUNITY

The Department is making approximately \$2 million available for BOA Program grants. Assistance of up to 90% of eligible costs is available to eligible applicants for completion of a BOA Nomination that, upon completion, will be submitted to the Secretary of State in support of a request for Designation of the BOA.

This solicitation is limited to applications that will result in Designation of proposed BOAs which have been the subject of a previous BOA grant but do not yet have a Nomination that is sufficient for Designation. The maximum award under this solicitation for each grant is \$200,000. Budgets should be fully justified and directly support all proposed activities.

Applications for areas that are new to the BOA program or areas with complete BOA Nominations accepted by the State, whether or not the BOA has yet been designated, are not being accepted at this time.

The BOA Program is a reimbursement program. Upon execution of a contract, BOA Program grantees may request an advance payment of up to 25% of the total grant. Such advance payment requests are subject to the Department's approval and the availability of funds.

V. ELIGIBLE AND INELIGIBLE ACTIVITIES

Eligible Activities

Funds are available for activities that, when completed, will result in a BOA Nomination sufficient for BOA Designation. These activities will vary from area to area, but must be consistent with the BOA enabling law in New York State General Municipal Law, Article 18-C, Section 970-r, together with the BOA Program Guidance located online at www.dos.ny.gov.

A BOA Nomination generally consists of a community vision, goals and strategic plan for revitalization of an area affected by a concentration of known or suspected brownfields. In addition, a complete nomination should provide:

- An in-depth and thorough description and analysis, including an economic and market trends analysis, of existing conditions, opportunities, and re-use potential for properties located in the proposed Brownfield Opportunity Area with an emphasis on the identification and reuse potential of strategic brownfield sites that may be catalysts for revitalization.
- A description of key findings and recommendations to promote area-wide revitalization and redevelopment of strategic sites, including specific projects, initiatives, regulations, and other actions.
- Detailed analyses and recommendations on how to advance redevelopment of strategic sites such as conceptual site design, cost estimation, artist renderings, development of proformas, and marketing strategies.

Achieving revitalization goals requires broad community support, strong partnerships, and sufficient local and regional capacity to overcome obstacles. Therefore, the preparation of a BOA Nomination is expected to include robust community and stakeholder engagement as well as specific actions to develop partnerships and build the local capacity necessary to realize implementation of the Nomination.

Municipalities and community organizations preparing a nomination through this solicitation must commit to submit a request for BOA Designation at the conclusion of the contract term to the Secretary of State when the BOA Nomination is deemed complete by the Department. Funds are available for any such municipality or community organization to do so. Guidance for Requesting Designation can be found on the Department's website: http://www.dos.ny.gov/opd/programs/pdfs/BOA/BOA_Designation_Guidance.pdf.

Ineligible Activities

The following activities are not eligible for funding:

- Preparation of a BOA Nomination for areas that are new to the BOA program (i.e. that have never been the subject of planning work funded under a BOA grant contract);
- Preparation of a BOA Nomination for areas that were previously the subject of a BOA Program grant award and contract, under which no BOA-related work was undertaken and reviewed by the Department;
- Planning or implementation activities for a designated BOA;
- Planning or implementation activities for an area that is the subject of a complete BOA Nomination accepted by the State that includes all of the elements required for Designation, whether or not the BOA has yet been designated;

- Preparation of a partial BOA Nomination or any other activities that will not lead to BOA Designation

VI. ELIGIBLE AND INELIGIBLE COSTS

State assistance awarded and paid to grant recipients shall not exceed 90% of the total eligible cost of the project. Grant recipients are required to match and cover the remaining 10% of total direct project costs. State assistance payments will be made to grant recipients based on actual expenditures for eligible costs up to the amount of the grant awarded. Upon execution of a contract, grantees may request an advance payment of up to 25% of the total grant.

The maximum grant award under this solicitation is \$200,000. However, the amount of each grant request should be proportionate to the level of effort required to build on existing BOA work to complete a Nomination sufficient for Designation of the BOA.

Eligible Costs

Costs must be adequately justified and directly support the project. Proposed total costs must be essential to project completion. Eligible costs include the following:

- **Personal Services** – including direct salaries, wages, and fringe benefits of grantee employees for activities related to project work, including project management and grant administration.
- **Non-Personal Services** – including project related supplies and materials; necessary travel; consultant and/or contractual services for direct project related costs, project management, and grant administration; and other goods and services required to complete the project.

Notes:

1. Project management activities may include, but are not limited to, oversight and coordination of tasks needed to produce contractual deliverables, coordination of steering committee activities, consultant procurement and oversight, public outreach, and developing or providing local and/or regional capacity to advance revitalization goals.
2. Grant administration may include, but are not limited to, activities undertaken to comply with grant budgeting, record keeping and reporting requirements, such as preparation and submission of payment vouchers and other documents required under the grant. Grant administration may not exceed 15% of the award amount.
3. Sub-contracts for consultant/contractual services should be competitively procured based on the applicable provisions of New York State General Municipal Law and additional requirements as described in section IX. Contract Requirements of this RFA and any others approved by the Department.

Ineligible Costs

Ineligible costs include the following:

- Indirect or overhead costs of the grantee, such as rent, telephone service, general administrative support, computers, office equipment, general office supplies, general operations costs, membership fees, subscription costs.
- Salaries and other expenses of elected officials, whether incurred for purposes of project direction, execution, or legislation.
- Costs incurred outside of the contract term.
- Costs that are not adequately justified or that do not directly support the project.

VII. PRE-APPLICATION REQUIREMENTS:

All applicants

Applicants must comply with the following minimum community participation activities prior to submitting an application:

- Demonstrate that a comment period of at least thirty (30) days on a draft application was provided; and
- Demonstrate that a public meeting was held related to the draft application.

Applicants must also submit a resolution adopted by the applicant's governing board that authorizes submission of the application and identifies the title of the applicant's authorized representative. Failure to comply with these requirements will result in disqualification. Resolution Guidance can be found on the Department's website: <http://www.dos.ny.gov/funding>.

Not-for-Profit Community-Based Organization applicants

Not-for-Profit applicants must register and be pre-qualified through the NYS Grants Gateway before submitting an application under this program. Such applicants will be required to submit documentation of Registration and Pre-Qualification with the NYS Grants Gateway, to include: Document Vault Identifier (i.e., GDV-XXXXX-XXXX) and the State Pre-qualification Application Status Report. Information on this process is available at <http://www.grantsreform.ny.gov/Grantees>.

VIII. APPLICATION EVALUATION

A total score of up to 100 points may be awarded to an application based on the evaluation criteria described below. The Department will fund the highest scoring applications until the allocated funds are exhausted. Ineligible budget items will be removed prior to award announcements.

The Department may make an award under the RFA in whole or in part so that a particular activity that is deemed not eligible or not justified is not funded. The Department may award no funding to an applicant if its application cannot be fully funded within the funds remaining, in which case funding may be awarded to the next highest-scoring unfunded application. In the event that an awardee fails to satisfactorily negotiate a proper contract within a reasonable amount of time, that funding may be awarded to the next highest-scoring unfunded application which can be fully funded within the funds remaining.

The opportunity to be debriefed will be provided, upon request, to unsuccessful applicants. Requests must be made in writing within 30 days of notification of status of award.

Program Criteria

Applications will be evaluated to assess the degree to which they meet the elements of the general application and program criteria.

The following general application criteria will be scored as Pass/Fail:

1. All applications must be received through the CFA on the date stated on the cover sheet of this RFA.
2. All applications must propose work in a brownfield opportunity area for which a pre-nomination or a partial nomination was completed under a previous DOS BOA grant.
3. Submit a resolution adopted by the applicant's governing board that authorizes submission of the application and identifies the title of the applicant's authorized representative.
4. All applications must include documentation demonstrating compliance the pre-application requirements described in Section VII of this RFA
 - Submit documentation demonstrating a public comment period of at least thirty (30) days on a draft application was provided; and
 - Submit documentation demonstrating that a public meeting was held related to the draft application.

Program criteria will be scored out of 100 total points. The program criteria, with total available points and elements of each criterion, are:

Concentration of Known or Suspected Brownfield Sites (*maximum of 12 points*)

Extent to which the application described how the project will focus on an area that demonstrates:

- presence of vacant, underutilized, deteriorating and abandoned properties
- presence of sites known to be contaminated
- evidence of distress, risk to public health, or other negative impacts of known or suspected brownfields on the surrounding neighborhood, community or region
- Preference will be given to projects that demonstrate that 25% or more of the land area in the area identified for funding consists of known or suspected brownfields.

Indicators of Economic Distress (*maximum of 12 points*)

Extent to which the application described how the project will focus on an area that shows indicators of economic distress, including:

- Poverty rate of at least 20%
- Unemployment rate of at least 125% greater than the statewide unemployment rate
- Commercial vacancy rate of at least 25%
- Located in an Opportunity Area designated by a Regional Economic Development Council (REDC) or an Environmental Zone (En-Zone)
- Disparity of the proposed brownfield opportunity area and the surrounding community in income, property values, vacancy rates, or other relevant indicators of distress

Partnerships (*maximum of 6 points*)

Extent to which the application demonstrates that:

- The project will be undertaken by a municipality, a community-based organization, and/or a NYC Community Board in partnership
- Support of the vision and goals of the project from both public and non-profit, community-based sectors
- Applicant and partners have a demonstrated record of developing or building public-private partnerships that make efficient use of public programs and funds

Local Leadership and Support (*maximum of 6 points*)

Extent to which the application demonstrates:

- Local leadership that supports and is committed to the goals of the BOA project
- Local interest in and commitment to achieving BOA Designation for the study area
- Evidence of strong municipal and community commitment to address sustainable, inclusive and equitable community development

Economic Value (*maximum of 10 points*)

The application demonstrates the extent that the plan and resulting Nomination will have a positive economic impact on the proposed BOA. Examples of such impact may include:

- Extent to which known or suspected brownfields represent strategic opportunities to stimulate economic development and to restore municipalities' tax bases
- Potential to expand job opportunities and eliminate barriers to employment, especially in distressed and high-need areas
- Opportunity to make efficient use of public investment in resources and infrastructure
- Extent to which the project supports and advances regional economic development priorities as identified by the REDC

- Project leverages funding under the Environmental Protection Fund, other New York State grant programs, federal grant programs, or other sources of public, not-for-profit and private funds

Environmental Value (*maximum of 8 points*)

The application demonstrates the extent that the plan and resulting Nomination will have a positive environmental impact on the proposed BOA. Examples of such impact may include:

- Potential to advance clean-up of significant brownfield sites and other activities that will promote positive public health outcomes and/or avoid or mitigate negative public health outcomes, especially in underserved and distressed communities.
- Potential to advance strategies which address carbon reduction/abatement, energy efficiency or renewable energy, including supporting renewable energy and clean transportation
- Potential to enhance, protect or restore natural resources
- Project will improve community resiliency, including vulnerable transportation, energy and water treatment infrastructure, consistent with the goals and priorities of the New York Rising initiative.

Public Value (*maximum of 8 points*)

The application demonstrates the extent that the plan and resulting Nomination will have a positive public impact on the proposed BOA. Examples of such impact may include:

- Extent to which the Nomination may include strategies that benefit all income, ethnic and age groups, including new Americans (immigrants and refugees) and veterans
- Potential to expand access to public open space and other public amenities in underserved areas
- Potential to create dynamic, diverse neighborhoods by creating opportunities for development of transformative housing, transportation and community projects in downtown areas, consistent with the Downtown Revitalization Initiative and other REDC priorities
- Potential to build on or contribute to existing community land use or economic development plans

Local Capacity (*maximum of 6 points*)

Extent to which the application:

- Demonstrates that an effective organizational structure exists to advance and complete the project
- Demonstrates sufficient experience and ability of key project personnel to successfully carry out the project

Scope of Work and Time Frame (*maximum of 6 points*)

Extent to which the application:

- Clearly defines project scope, partnerships required to complete the proposed task, and completion timeframe
- Demonstrates how the BOA Nomination will be completed and Designation requested within a reasonable timeframe of no more than three years.
- Presents a clear and realistic schedule and time line that includes major tasks, milestones, completion dates
- Contains a scope of work presents a clear and detailed path to request Designation

Previous Performance (*maximum of 6 points*)

Extent to which the applicant:

- Demonstrated high quality performance under previous DOS contracts, including submitting required contract reports in a timely manner, and completed project activities within a reasonable amount of time

Evaluation of Budget and Cost (*maximum of 20 points*)

Applications will also be evaluated to assess the degree to which they meet the elements of each criterion below.

- Application adequately describes how the budget and cost were determined.

- Costs directly support the project and are necessary to complete the project.
- Budget includes adequate detail for all project components involved, is cost-effective, presents necessary and realistic costs, and does not contain extraneous or ineligible expenses. Budget is accurate and thorough.
- Budget narrative describes how the grant recipient will monitor expenditures during the life of the project to ensure that the project stays on schedule and within budget.

IX. CONTRACT REQUIREMENTS

Standard Cost Reimbursement Contract

Each successful applicant must enter into a standard cost reimbursement contract with the Department of State, which includes a work plan and budget, and the standard clauses required by the NYS Attorney General for all state contracts including Attachment A-1. All necessary municipal resolutions and certifications must be received prior to entering into contracts. The contract will: 1) be subject to approval by the Attorney General and State Comptroller; 2) require submission of final products in both hard copy and electronic format; 3) be subject to payment only upon proper documentation and compliance with reimbursement procedures; and 4) be subject to additional contractual requirements. A copy of a standard contract along with Attachment A-1 is available from the Department.

The Department seeks to ensure that funds are awarded to applicants that are ready to move forward immediately with proposed projects. The Department of State reserves the right to rescind an award if the state contract is not signed and returned within a reasonable amount of time. Expenses incurred prior to the start date of the state contract cannot be reimbursed.

Compliance with Procurement Requirements

Municipalities:

All contracts by municipalities for service, labor, and construction involving not more than \$35,000 and purchase contracts involving not more than \$20,000 are subject to the requirements of General Municipal Law §104-b, which requires such contracts to comply with the procurement policies and procedures of the municipality involved. All such contracts shall be awarded after and in accordance with such municipal procedures, subject to the Minority or Women-Owned Business Enterprise (MWBE) requirements as set forth below and any additional requirements imposed by the State as set forth in Attachment C of the Master Contract.

A qualified representative of the municipality shall certify to the Department of State that applicable public bidding procedures of General Municipal Law §103 were followed for all service, labor, and construction contracts involving more than \$35,000 and all purchase contracts involving more than \$20,000. In the case of contracts by municipalities for service, labor, and construction contracts involving not more than \$35,000 and purchase contracts involving not more than \$20,000, the municipal attorney, chief legal officer or financial administrator shall certify that the procedures of the municipality established pursuant to General Municipal Law §104-b were fully complied with, in addition to the MWBE requirements.

A qualified representative of the municipality shall certify to the Department of State that alternative proposals and/or quotations for professional services were secured by use of written requests for proposals through a publicly advertised process. This certification will verify that the procurement requirements were met and ensure the prudent and economical use of public funds for professional services of maximum quality at reasonable cost.

Not-for-Profit Community-Based Organizations:

A qualified representative of the community-based organization, which is a grant recipient and serves as State Contractor, shall certify to the State that alternative proposals and quotations for professional services were secured by use of written requests for proposals through a publicly advertised process satisfactory to meet the MWBE requirements set forth below and to ensure the prudent and economical use of public funds for professional services of maximum quality at reasonable cost.

Community Boards (in New York City):

Chapter 70 of the New York City Charter provides for the creation of community boards for each community district that has been established in the City. Such community boards do not exist outside of New York City. Each community board in New York City must comply with all laws, regulations, rules and procedures that govern each such board's procurement of contracts, goods and services, and shall certify compliance with such laws, regulations, rules and procedures to the State. Community boards must also certify to the State that all applicable MWBE requirements, including those that are set forth below, have been met.

Record Retention and Audits

The successful applicant shall establish and maintain, in paper or electronic format, complete and accurate books, records, documents, receipts, accounts, and other evidence directly pertinent to its performance under the Master Contract with the Department of State. Payment requests may be subject to periodic reviews. The successful applicant will be required to agree to produce and retain for the balance of the term of the Master Contract, and for a period of six years from the later of the date of (i) the Master Contract and (ii) the most recent renewal of the Master Contract, any and all Records necessary to substantiate upon audit, the proper deposit and expenditure of funds received under the Master Contract. Such records may include, but not be limited to, original books of entry (e.g., cash disbursements and cash receipts journal), and the following specific records (as applicable) to substantiate the types of expenditures noted (i) personal service expenditures: cancelled checks and the related bank statements, time and attendance records, payroll journals, cash and check disbursement records including copies of money orders and the like, vouchers and invoices, records of contract labor, any and all records listing payroll and the money value of non-cash advantages provided to employees, time cards, work schedules and logs, employee personal history folders, detailed and general ledgers, sales records, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (ii) payroll taxes and fringe benefits: cancelled checks, copies of related bank statements, cash and check disbursement records including copies of money orders and the like, invoices for fringe benefit expenses, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (iii) non-personal services expenditures: original invoices/receipts, cancelled checks and related bank statements, consultant agreements, leases, and cost allocation plans, if applicable, (iv) receipt and deposit of advances and reimbursements: itemized bank stamped deposit slips, and a copy of the related bank statements.

Minority and Women-Owned Business Enterprise Participation

Applicants will be required to comply with and certify that the requirements of Article 15-A of the New York State Executive Law. For purposes of this solicitation, the Department has established an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation.

Contract Period

Subject to the continued availability of funds in the budget, the contract period shall not exceed three years from the start of the project. No extensions are anticipated. Contract start date will be the date of contract execution. Special consideration for extensions due to extreme extenuating circumstances will only be granted on a case-by-case basis.

X. SATISFACTORY PROGRESS

Grant recipients must sign and return to the Department the BOA state assistance contract within a reasonable time after notification of funding award and receipt of the contract. In addition, the grant recipient must complete the project as set forth in the agreed upon work program for the contract. Failure to render proof of satisfactory progress in signing and returning the contract or to complete the project to the satisfaction of the State may be deemed an abandonment of the project and may cause the suspension or termination of any obligation of the State. Satisfactory progress toward implementation includes, but is not limited to, executing contracts and submitting status reports and payment requests in a timely fashion, retaining consultants, written certification of

compliance with procurement requirements, completing plans, designs, reports, or other tasks identified in the work program within the time allocated for their completion. The Department may recapture awarded funds if satisfactory progress is not being made on the implementation of a grant project. Applicants should not submit applications if they do not expect to initiate the project within a reasonable time period after receiving an executed contract and will not be able to complete the project within the time period cited in the application.

XI. GENERAL SPECIFICATIONS

1. By signing the “Application Form” each applicant attests to its express authority to sign on behalf of the applicant(s) and to the accuracy of the information contained therein. Applications containing false or inaccurate information may be disqualified upon verification of information by the Department of State (Department).
2. Contractors will possess, at no cost to the State, all qualifications, licenses and permits to engage in the required business as may be required within the jurisdiction where the work specified is to be performed. Workers to be employed in the performance of this contract will possess the qualifications, training, licenses and permits as may be required within such jurisdiction.
3. Submission of any application indicates the applicant’s or applicants’ acceptance of all conditions and terms contained in this RFA, including the terms and conditions of the contract.
4. Provisions upon default:
 - a. The services to be performed by the applicant shall be at all times subject to the direction and control of the Department as to all matters arising in connection with or relating to the contract resulting from this RFA.
 - b. In the event that the applicant, through any cause, fails to perform any of the terms, covenants or promises of any contract resulting from this RFA, the Department acting for and on behalf of the State, shall thereupon have the right to terminate the contract by giving notice of the fact and date of such termination to the applicant.
 - c. If, in the judgment of the Department, the applicant acts in such a way which is likely to or does impair or prejudice the interests of the State, the Department acting on behalf of the State, shall thereupon have the right to terminate any contract resulting from this RFA by giving notice of the fact and date of such termination to the contractor. In such case, the contractor shall receive equitable compensation for such services as shall, in the judgment of the Department, have been satisfactorily performed by the contractor up to the date of the termination of this agreement, which such compensation shall not exceed the total cost incurred for the work in which the contractor was engaged at the time of such termination, subject to audit by the State Comptroller.
5. The Department reserves the right, including but not limited, to:
 - a. Reject any or all applications received in response to this RFA.
 - b. Withdraw the RFA at any time, at the agency’s sole discretion.
 - c. Make an award under the RFA in whole or in part.
 - d. Disqualify any applicant whose conduct and/or application fails to conform to the requirements of the RFA.
 - e. Seek clarifications and revisions of applications.
 - f. Use proposal information obtained through site visits, management interviews and 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 RFA.
 - g. Prior to the application due date, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available.
 - h. Prior to the application due date, direct applicants to submit proposal modifications addressing subsequent RFA amendments.
 - i. Change any of the scheduled dates.

- j. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective bidders.
- k. Waive any requirements that are not material.
- l. Negotiate with applicants responding to this RFA within the scope of the RFA to serve the best interests of the State.
- m. If unsuccessful in negotiating a state contract with the selected applicant within an acceptable time frame, the Department may begin state contract negotiations with the next ranked qualified applicant(s) in order to serve and realize the best interests of the State.
- n. Utilize any and all ideas submitted in the proposals received.
- o. 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 an applicant's compliance with the requirements of the solicitation.
- p. Waive or modify minor irregularities in applications received.
- q. Not to fund an application that fails to submit a clear and concise work plan or budget.
- r. Make an award based on geographic distribution.
- s. Failure to negotiate a contract in good faith and in a timely manner will result in disqualification; the agency will make an award to the next highest scoring application.