

**NYS Department of State
Division of Local Government Services
Local Government Efficiency (LGE) Grant Program
2019 – 2020 Request for Applications
RFA #19-LGE-18**

The responses to questions included herein are official responses by the Department of State (DOS) to questions submitted by potential applicants and are hereby incorporated into the Request for Applications RFA #19-LGE-18 issued on May 1, 2019. In the event of any conflict between the Request for Applications and these responses, the requirements or information contained in these responses will prevail.

**June 28, 2019 and July 12, 2019
Questions & Answers**

1. MWBE Utilization (page 6) is hereby amended to read:

MWBE Utilization

Applicants are required to create a plan for compliance with the Certified Minority-And Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women requirements as part of contract development.

The plan will include a **detailed** statement, with the project description, on how you intend to meet the MWBE goals with your project. The following should be included in the statement:

1. Your project's MWBE goal amount.
2. The names of general circulation, trade association, and M/WBE-oriented publications in which you plan to solicit certified M/WBEs for the purposes of complying with the participation goals related to your project.
3. A list identifying the date(s) that all solicitations for certified M/WBE participation plan to be published in any of the above publications
4. A list of all certified M/WBEs appearing in the NYS Directory of Certified Firms that will be solicited for purposes of complying with your certified M/WBE participation goal (The Directory can be viewed at:
<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?XID=7637&TN=ny>).
5. Descriptions of the notices, dates of contact, letters, and any other correspondence that will be made to all certified M/WBEs.
6. A description of any contract documents, plans, or specifications to be made available to certified M/WBEs for bid solicitation purposes and the proposed date and manner in which these documents will be made available.

Additional information may be found in Appendix C.

If your project is selected for an award, you will be required to comply with all the contractual requirements, including demonstrating that a good faith effort is made to meet the goals for certified MWBE firm participation as stated in your contract and in accordance with Article 15-A of the Executive Law.

If an applicant chooses to move forward with a project prior to any award announcement, they are responsible for meeting M/WBE requirements established by the State of New York. The requested plan is intended to help an applicant think about how to comply with the regulations

and provide information showing their due-diligence to comply with the M/WBE requirements.

2. Section V LGE Project Evaluation, Required Documents, #3. (page 10) is hereby amended to read:

3. M/WBE Utilization Plan (CFA Question 6460)

Applicants are required to create a plan for compliance with the Certified Minority-And Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women requirements as part of contract development.

The plan will include a DETAILED statement, with the project description, on how you intend to meet the MWBE goals with your project. The following should be included in the statement:

1. Your project's MWBE goal amount.
2. The names of general circulation, trade association, and M/WBE-oriented publications in which you plan to solicit certified M/WBEs for the purposes of complying with the participation goals related to your project.
3. A list identifying the date(s) that all solicitations for certified M/WBE participation plan to be published in any of the above publications.
4. A list of all certified M/WBEs appearing in the NYS Directory of Certified Firms that will be solicited for purposes of complying with your certified M/WBE participation goal (The Directory can be viewed at: <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?XID=7637&TN=ny>).
5. Descriptions of the notices, dates of contact, letters, and any other correspondence that will be made to all certified M/WBEs.
6. A description of any contract documents, plans, or specifications to be made available to certified M/WBEs for bid solicitation purposes and the proposed date and manner in which these documents will be made available.

Applicants should upload either an MWBE Utilization Plan (Form D) or a Certification Letter (Form D-1) with their application in response to CFA Question 6460. Additional information may be found in Appendix C.

If your project is selected for an award, you will be required to comply with all the contractual requirements, including demonstrating that a good faith effort is made to meet the goals for certified MWBE firms participation as stated in your contract and in accordance with Article 15-A.

If an applicant chooses to move forward with a project prior to any award announcement, they are responsible for meeting M/WBE requirements established by the State of New York. The requested plan is intended to help an applicant think about how to comply with the regulations and provide information showing their due-diligence to comply with the M/WBE requirements.

3. Appendix C "Additional Notices and Explanations Regarding the MWBE Program and Successful Applications to this Request for Applications" (page 30) is hereby amended to read:

Additional Notices and Explanations Regarding the MWBE Program and Successful Applications to this Request for Applications:

If your project is selected for an award, you will be required to show due diligence to comply with all the MWBE contractual requirements, including meeting the goals for certified MWBE firms participation as stated in your Contract and in accordance with NYS Executive Law Article 15-A.

If an applicant chooses to move forward with a project prior to any award announcement, they are responsible for meeting MWBE requirements established by the State of New York. The requested plan, as described herein, is intended to help an applicant think about how to comply with the regulations and provide information showing their due-diligence to comply with the MWBE requirements.

Successful applicants notified by the NYS Contract System (System) that a record for the submission of the utilization plan has been created, must comply with this requirement by entering the Utilization Plan data in the System through the Statewide Utilization Management Plan (SUMP) module.

If you are unable to comply with the MWBE goals, you must request a waiver of these requirements by submitting to the DOS the REQUEST FOR WAIVER FORM E, found on the DOS funding page, for processing. Please note that the following information will be required to secure the waiver (all items may not apply to your case, but provide information and documentation for those that apply):

1. A DETAILED statement with the project description (any special characteristics, needs, specifications, etc.), and an explanation setting forth your basis and justification for requesting a partial or total waiver of the MWBE goals.
2. The names of general circulation, trade association, and MWBE-oriented publications in which you solicited certified MWBEs for the purposes of complying with your participation goals related to this Contract.
3. A list identifying the date(s) that all solicitations for certified MWBE participation were published in any of the above publications.
4. A list of all certified MWBEs appearing in the NYS Directory of Certified Firms that were solicited for purposes of complying with your certified MWBE participation levels.
5. Documentation of your search in the NYS Directory of Certified Firms (e.g.: Printouts, screenshots).
6. Copies of notices, dates of contact, letters, and other correspondence as proof that solicitations were made in writing and copies of such solicitations, or a sample copy of the solicitation, if an identical solicitation was made to all certified MWBEs. Any information and/or documentation to support the efforts to follow up with the MWBEs.
7. Copies of responses to your solicitations received by you from certified MWBEs
8. A description of any contract documents, plans, or specifications made available to certified MWBEs for purposes of soliciting their proposals and the date and manner in which these documents were made available.
9. Documentation of any negotiations between you and the MWBEs undertaken for purposes of complying with the certified MWBE participation goals.
10. Any other information you deem relevant which may help us in evaluating your request for a waiver.
11. The name, title, address, telephone number, and email address of your representative authorized to discuss and negotiate this waiver request.
12. Copy of notice of application receipt issued by Empire State Development (ESD), if subcontractors are not certified MWBE, but an application has been filed with ESD.

Q1. Do you know where I can find the MWBE goals calculation worksheet mentioned in the RFP?

A1. Please see revised RFA language; the MWBE goals calculation worksheet does not need to be completed at the time of application. Proposals should include either an MWBE Utilization Plan (**Form D**) or a Certification Letter (**Form D-1**) both of which can be found on the DOS Funding page <https://www.dos.ny.gov/funding/mwbe/index.html>.

Q2. For the Local Government Efficiency planning grant, can existing staff dedicate hours (and associated costs) to the planning effort as part of the municipality's cost-share?

A2. The LGE program does not reimburse the salaries of existing staff. Transitional personnel expenses directly related to the implementation of a project, not to exceed three years.

Q3. Does consolidation of 2 volunteer EMS agencies qualify for the LGE grants? What can be covered under this grant?

A3. Independent agencies, such as volunteer rescue squads or volunteer fire companies, are not eligible applicants under the LGE program. However, fire districts or towns applying on behalf of special districts, such as fire protection districts or ambulance districts, are eligible. If eligible, grants can cover contractual services, capital and equipment expenses, and certain personnel expenses integral to project implementation.

Q4. Is a letter of commitment from a potential partner required to be submitted as part of the application?

A4. Resolutions and Local Agreements are Optional Document attachments per CFA Question 1978. While not required, municipal resolutions or intermunicipal agreements executed to implement the project illustrate local support and capacity to implement the project which is taken into consideration in evaluation of project readiness.

Q5. Are municipal housing authorities eligible to apply for the LGE Program?

A5. No, a municipal housing authority is not eligible for a Local Government Efficiency grant.

Q6. If we are not eligible, how would we partner with an eligible entity?

A6. All applications must have a minimum of two local government applicants. An ineligible applicant may partner with the required eligible entities on a project, however, only eligible partners will be considered in the funding calculations.

Q7. Are automation and digitalization efforts eligible under the grant?

A7. Yes, if they are part of a shared services project or consolidation of services between two or more local governments.

Q8. What is the average size of an implementation grant?

A8. The total maximum cumulative funding for an implementation project is \$200,000 for each local government involved in the project, not to exceed 90% of the project cost or \$1,000,000 whichever is less.

Q9. Do we need to apply for a planning grant first? Can we go ahead and apply for an implementation grant if we do our preliminary vetting and research?

A9. A planning grant is not required prior to an implementation grant award.

Q10. Have you worked with land banks before? Rather than submit separate proposals for each town, can we submit a proposal for multiple communities involved in the land bank? How can we best leverage the pieces of the proposal?

A10. Land banks are not eligible applicants for a Local Government Efficiency grant. However, a land bank might be involved in a proposal including eligible local governments to share

or restructure a local government service. All projects are evaluated based on the potential municipal tax levy impact, project need, service delivery benefits, operational changes, comprehensiveness and specificity of work plan, appropriateness of the project budget, local linkages and capacity, and local and regional support.

Q11. Are school districts considered “eligible entities”?

A11. Yes, school districts are eligible applicants and have been funded in the past for projects that include the consolidation of services such as transportation, distance learning and maintenance, as well as the full reorganization of multiple districts.

Q12. Is a community college eligible for funding?

A12. No, a community college is not eligible for a Local Government Efficiency grant.