



RFP0221

REQUEST FOR PROPOSALS

for the

**2019-2020 NEW YORK STATE
COMPANION ANIMAL CAPITAL PROJECTS FUND**

***Competitive Grants to Municipal and Incorporated Not-for-Profit Pounds, Shelters
and Humane Societies***

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1. INTRODUCTION

1.1 Overview

The New York State Department of Agriculture and Markets (the “Department”) invites eligible municipal and incorporated not-for-profit pounds, shelters and humane societies to submit proposals for funding consideration from the Companion Animal Capital Projects Fund. Grant funds are available for the costs of capital projects, including construction, renovation, rehabilitation, installation acquisition or expansion of buildings, equipment or facilities necessary for the secure containment, health and adequate care of sheltered dogs and cats.

Funding for this RFP is available pursuant to an appropriation in the 2019-2020 state fiscal year capital projects budget.

1.2 Timeline

RFP Posted	November 8, 2019
Questions Due	January 3, 2020
Answers Posted	January 9, 2020
Proposals Due	January 21, 2020
Tentative Award Date	February 17,2020
Tentative Contract Start Date (2 year contracts)	April 10, 2020

1.3 Questions and Answers

All questions must be submitted in writing and must be received by 4:00PM, January 3, 2020. Please submit all written questions to:

Name: Makayla Fowler
Address: 10B Airline Drive, Albany, NY 12235
Email: Makayla.Fowler@agriculture.ny.gov

A list of questions, answers to those questions, as well as any changes, additions, or deletions to the RFP will be posted in the Funding Opportunities section of the Department’s website at <https://www.agriculture.ny.gov/RFPS.html>. The Department will post Questions and Answers as soon as possible, but in no event later than January 9, 2020. All questions and answers shall be incorporated in the RFP as a formal addendum.

1.4 Eligible Applicants

Municipal and incorporated not-for-profit pounds, shelters and humane societies are eligible applicants. Such entities must be a pound or shelter for dogs established and maintained pursuant to section 114 of the New York Agriculture and Markets Law. *Please note, entities that*

have been awarded funds during previous Companion Animal Capital Projects funding opportunities are not eligible to apply for an award under this RFP.

All not-for-profit applicants must be pre-qualified in the Grants Gateway at the time the application is submitted for their application to be eligible for review. See section 3.2 of this RFP for information on how to register and prequalify in the Grants Gateway.

1.5 Available Funding

Funding in the amount of \$4,750,000 will be available under this RFP. Grants will be awarded in the following categories:

a) In municipalities with a population of less than two million, for pounds, shelters or humane societies that are operated by or under contract for the provision of pound or shelter services with one or more municipalities:

1) For projects serving an individual municipality, grants of not less than fifty thousand dollars (\$50,000) and not more than two hundred thousand dollars (\$200,000), not to exceed fifty percent (50%) of the total project cost, or

2) For projects serving two or more municipalities, grants of not less than one hundred thousand dollars (\$100,000) and not more than five hundred thousand dollars (\$500,000), not to exceed seventy-five percent (75%) of the total project cost.

b) In municipalities with a population of more than two million, for pounds, shelters or humane societies that are operated by or under contract for the provision of pound or shelter services with one or more municipalities, grants of not less than one hundred thousand dollars (\$100,000) and not more than five hundred thousand dollars (\$500,000), not to exceed seventy-five percent (75%) of the total project cost.

2. PROJECT REQUIREMENTS

2.1 Eligible Projects

Only capital projects necessary for the secure containment, health and adequate care of sheltered dogs and cats are eligible for funding. For purposes of this program, a *project* may be a portion of a larger overall capital project. For example, if your organization is building a new shelter, you may request funding for only a heating and ventilation system, with the understanding that this is a portion of a larger capital project that you are funding with other resources. The *total project cost* for this program would be the cost of the heating and ventilation system.

2.2 Eligible Costs

Eligible expenses include direct costs related to the:

- construction
- renovation
- rehabilitation
- installation
- acquisition, or
- expansion of buildings, equipment or facilities.

Note: Please see Appendix 1 of this RFP for further guidance on eligible costs.

2.3 Match Requirements

Depending on the funding requested, applicants will need to provide a minimum of twenty-five percent (25%) or fifty percent (50%) of the *total project costs*. Matching funds must be in the form of cash and applied to cost categories listed in Section 2.2. **Upon award, successful applicants will be required to provide evidence of the availability of matching funds before a contract is issued.**

NOTE: Please disregard the match percentage calculated by the Grants Gateway, as this is inaccurate for the purposes of this grant program. See Appendix 2 of this RFP for further guidance on the proper calculation of matching funds.

2.4 Project Duration

Actual construction must begin within 3 months of the date the contract is approved by the Office of the New York State Comptroller (OSC). Projects must be completed within 2 years of the date the contract is approved by OSC.

3. PROPOSAL REQUIREMENTS

3.1 Proposal Format

All proposals must be submitted online through the [Grants Gateway](#).

3.2 Grants Gateway Registration and Pre-Qualification

New York State vendors must register in the Grants Gateway and establish users in the system. To start this process, from the New York State Grants Management website at <https://grantsmanagement.ny.gov/>, click “Register Your Organization” to view your options.

To find out if your organization has already registered, go to the [Grant Opportunity Portal](#) under Registration, click “Request Access Now!”, enter your organization’s SFS Vendor ID number and search. If your organization is registered, the search result will include contact information for the delegated administrator, and you can contact this individual to request access to the system.

All not-for-profit organizations that intend to submit a proposal in response to this RFP must be prequalified prior to the submission of a proposal. **Your proposal will be rejected and not considered for funding under this RFP if your organization is not prequalified in the Grants Gateway by the time proposals are due.** To prequalify, a not-for-profit organization must register with Grants Gateway and complete an online Prequalification Application. This includes completing a series of forms by answering basic questions regarding the organization and uploading key organizational documents.

For information and resources to assist with the registration and prequalification process, please visit: <https://grantsmanagement.ny.gov/resources-grant-applicants>.

If you have not yet registered (or, as a not-for-profit, prequalified), please do so immediately. New York State reserves 5-10 business days from the receipt of complete prequalification applications to conduct its review. If supplementary information or updates are required, review times will be longer.

4. PROPOSAL EVALUATION & AWARDS

4.1 Receipt of Proposals

The Department will first screen applications to ensure that they meet all eligibility and proposal completeness requirements. All proposals deemed eligible by the Department will be competitively rated by evaluator(s) designated by the Department.

4.2 Scoring Criteria

The applicant will be asked to answer the following project specific questions as part of the online application in the Grants Gateway. **Applicants should reference the Association of Shelter Veterinarians (ASV) Guidelines in their response to each question.** Proposals will be scored based on the applicant's responses to the questions in each category. A total of 100 points are available based on the scoring criteria outlined below. Scores will be averaged and ranked in order from highest to lowest.

1) Need Assessment (40 points)

- a) What are the main objectives as they relate to the secure containment, health, and adequate care of sheltered dogs and cats?
- b) Why is the project important and/or needed in the target municipality(ies)?
- c) Why and how is the need to complete the project urgent?
- d) How will the project positively impact animals in your organization's care?
- e) Complete the Annual Statistics Report worksheet provided in the Pre-Submission Uploads section and attach it to your application.

2) Project Description (30 points)

- a) Provide detailed project cost estimate(s) from appropriate vendors.
- b) Provide a list of construction materials and/or equipment that **comply with ASV guidelines.**
- c) Provide detailed floor plan(s) of intended construction drawn by an architector if the project involves the installation or acquisition of equipment or building repairs provide contractor and/or vendor specifications as appropriate.
- d) Does your organization have local support? Upload letters of support from your municipal government and/or any not-for-profit organizations that you partner or collaborate with on an ongoing basis. The content of the letters should adequately describe the writer's knowledge of your organization and the intended project. Multiple letters are encouraged. **Letters from corporate sponsors, volunteers, or adopters will not be considered. Only letters that are uploaded onto the Grants Gateway (do not mail or e-mail) will be considered.**
- e) The Work Plan that you will develop in Grants Gateway, which includes objectives, tasks and performance measures, will be scored as part of this section.

3) Reasonableness of Cost (30 points)

- a) Justify equipment purchases and infrastructure costs.
- b) Provide evidence that costs are commensurate with the number of animals benefited.
- c) Provide evidence that costs **align with ASV guidelines**.
- d) Provide a financial overview for your project. Identify the primary sources of funding for the project. If you are only applying for funds to cover the cost of a portion of an overall larger capital project, please explain how the remaining portions of the project will be funded. The information you provide in this section should identify all sources of funding for the overall capital project, and the budget section of your Grants Gateway application should reflect the discrete portion of the project for which you are applying for funding. Please see Appendix 2 of this RFP for further guidance on answering this question.

4.3. Awards

Awards will be made to those proposals receiving the highest scores above the threshold score (65 points) and continuing until available funds are exhausted, or until all such proposals are funded, whichever occurs first.

If two or more proposals have the same final score and there are not enough available funds remaining to fully fund all those proposals, then the projects to be awarded shall be determined by the following tie-breaking procedure (in order of priority sequence).

First Category – If only enough funding is available to award one of the tied proposals in its entirety, then that proposal shall receive the award.

Second Category – If enough funds are available to cover the amount of more than one tied proposal then the proposal that includes a higher cash/match contribution percentage will receive the funding award.

4.4 Debriefing

Upon request, the Department will provide a debriefing to any unsuccessful applicant as to the reasons that the proposal submitted was not selected for an award. To request a review of an unsuccessful application, contact Ms. Judy Giovannetti, Division of Fiscal Management, via e-mail at procurement.info@agriculture.ny.gov. A debriefing must be requested within fifteen (15) calendar days of the date of the notice of non-award.

5. PROJECT REPORTING REQUIREMENTS

5.1 Quarterly Reports

Awardees will be required to submit brief quarterly reports to the Department to provide timely information on the success of the project. Claim for Payment Forms submitted will not be processed for projects that are not up to date with the filing of their quarterly reports.

5.2 Reimbursement Request Reports

An interim progress report and an updated revised budget that summarizes work completed on the project shall accompany each request for reimbursement of project expenses (Claim for Payment Form). The Department will monitor contract performance and reserves the right to modify reporting requirements during the project term.

5.3 Final Report

A final report will be required within thirty (30) days following completion of the project. The final report shall include a detailed description of the work completed; an assessment of the potential for future viability of the project; and a description of problems encountered, if any, which affected completion of the project. In addition, to the final report, the Department reserves the right to conduct a follow-up survey of funded projects in order to determine long-term impacts.

The Department and State Comptroller's Office reserve the right to audit the applicant's books and records relating to the performance of the project during and up to six years after the completion of the project.

6. CONTRACTS & PAYMENT TERMS

6.1 Contracts

A contract defining all terms and conditions and responsibilities of the successful applicant shall be developed by the Department after funds have been awarded. The contract will incorporate project details and a budget approved by the Department, among its provisions.

Upon agreement by the awardee and the Department to the provisions of the contract, it will be submitted for approval to the Attorney General of the State of New York and the Comptroller of the State of New York.

6.2 New York State Master Contract

New York State has developed a standard "Master Contract" containing standard clauses required in all State Contracts. The Master Contract will be executed for all projects awarded under the Companion Animal Capital Projects Program, and applicants are responsible for complying with the terms and conditions contained therein.

6.3 Payment

Once the contract is fully executed, grant funds will be disbursed on a reimbursement basis. Awardees may request, at the discretion of the Department, an initial payment of up to twenty-five percent (25%) of the total grant award. The Department shall retain ten percent (10%) of the award amount to be disbursed to the contractor upon acceptance of the Final Report. A signed New York State Claim for Payment Form must be submitted to the Department for the contractor to be reimbursed for funds expended.

Payment to the contractor shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, at the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary state procedures and practices. The Contractor shall comply with the State Comptroller of New York's procedures to authorize electronic payments. Contractor acknowledges that it will not receive payment on any Claim for Payment Form submitted under this agreement if it does not comply with the State Comptroller of New York's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

6.4 Workers' Compensation & Disability Insurance

New York State Workers' Compensation Law sections 57 and 220 require that the Department not enter into a contract unless proof of Workers' Compensation and Disability Insurance in a form satisfactory to the New York State Workers' Compensation Board has been secured.

Please visit the New York State Workers' Compensation Board website, www.wcb.ny.gov, for more information. You may contact the Board's Bureau of Compliance with any questions related to workers' compensation or disability insurance at (866) 298-7830.

6.5 Liability

The Department shall not be held liable for any costs incurred by any party for work performed in the preparation of and production of a proposal or for any work performed prior to the formal execution of a contract.

7. CONSIDERATIONS

7.1 Reserved Rights

The Department reserves the right to:

- reject any or all proposals received with respect to this RFP;
- waive or modify minor irregularities in proposals received after prior notification and concurrence of the applicant;
- utilize any or all ideas submitted in the proposals received unless those ideas are covered by legal patent or proprietary rights;
- request from an applicant additional information as deemed necessary to more fully evaluate its proposal;
- amend the program's specifications after their release, with appropriate written notice posted on the Department's website;
- select only certain portions of proposals for state funding;
- conduct a follow-up survey of funded projects to determine long-term impacts;
- make all final decisions with respect to the amount of State funding and the timing of payments to be provided to an applicant; and
- negotiate the terms of the budget.

All proposals submitted in response to this RFP will become the property of the New York State Department of Agriculture and Markets.

7.2 Freedom of Information

All proposals submitted and all related contracts and reports may be subject to disclosure under the Freedom of Information Law.

7.3 NYS Office Of Parks, Recreation & Historic Preservation Requirements

Projects which include ground-disturbing activities, construction of new buildings, or modification of buildings over 50 years old will be subject to further review by the NYS Office of Parks, Recreation and Historic Preservation (OPRHP). The Department reserves the right to request such additional information as is necessary to allow OPRHP to make a determination regarding

the potential impacts of the project on historical sites or artifacts and possible alternatives which avoid or mitigate adverse impacts.

7.4. NYS Environmental Quality Review Act Requirements

Some projects may be subject to review under the New York State Environmental Quality Review Act (SEQRA). The Department reserves the right to request additional information as needed to comply with SEQRA requirements.

7.5. Contractor Requirements and Procedures for Participation by New York State-Certified Minority and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women

Note: MWBE requirements are not expected to be fulfilled until after a grant has been awarded and a contract has been executed.

New York State Law

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations the **Department of Agriculture and Markets** (“**Department**”) is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of the **Department** contracts.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, the **Department** hereby establishes an overall goal of 30 percent for MWBE participation, 15 percent for New York State-certified Minority-owned Business Enterprise (“MBE”) participation and 15 percent for New York State-certified Women-owned Business Enterprise (“WBE”) participation (based on the current availability of MBEs and WBEs). A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, the respondent agrees that the **Department** may withhold payment pursuant to any Contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how the **Department** will evaluate a Contractor’s “good faith efforts,” refer to 5 NYCRR § 142.8.

In accordance with 5 NYCRR § 142.13, the respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this RFP, such finding constitutes a breach of contract and the **Department** may withhold payment as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting the Department’s MWBE Liaison at 518-457-4619 or mwbe@agriculture.ny.gov. All MWBE Forms and Instructions are included in the Submission Documents.

Additionally, a respondent will be required to submit the following documents and information as evidence of compliance with the foregoing:

- A. An MWBE Utilization Plan with their bid or proposal. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to the **Department** for review and approval.

The **Department** will review the submitted MWBE Utilization Plan and advise the respondent of the **Department** acceptance or issue a notice of deficiency within 30 days of receipt.

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

The **Department** may disqualify a respondent as being non-responsive under the following circumstances:

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

The successful respondent will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to the **Department**, but must be made no later than prior to the submission of a request for final payment on the Contract.

The successful respondent will be required to submit a quarterly M/WBE Contractor Compliance & Payment Report to the **Department**, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

Equal Employment Opportunity Requirements

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

The respondent will be required to submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement, (See Submission Documents, Form MWBE EE01), to the **Department** with its bid or proposal.

If awarded a Contract, respondent shall submit a Workforce Utilization Report and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by the **Department** on a quarterly basis during the term of the Contract.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and subcontractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to nondiscrimination on the basis of prior criminal conviction and prior arrest.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.