

NOTE: NYSED is reposting the Questions & Answers Summary from Round 1 of 4201 Capital Grant Program from 2020 for reference for potential bidders in Round 2.

State-Supported Schools for the Blind and Deaf Facility Grant Program: 4201 Capital GRANT Program Question and Answer RESPONSES Part 1 of 2

4/20/2020

- 1. Q: Will NYSED consider delaying the proposal due date if a significant number of the schools who are planning on applying for grants (i.e. have submitted NOI letters) request a delay in order to allow for adequate time to prepare the required documentation and solicit/evaluate design and construction bids?**

A: The dates have been extended and posted with the revised RFA to

<http://www.p12.nysed.gov/funding/4201-capital-program-blind-deaf-facility-grant/home.html> .

- 2. Q: How would NYSED handle a situation where, between the application date and the awards date, a school has a capital equipment emergency (on a submitted project) and must proceed with a repair (e.g. boiler)? If the project is approved through the RFA process, would the school be reimbursed for the approved project?**

A: If the grant awardee undertakes work and incurs costs for items identified in the grant application on or after the application date and before the project start date, the expenditures for such work items cannot be submitted for reimbursement. Other sources of funds must be used to fund any emergency work items undertaken before the grant project start date.

- 3. Q: Are pre-development costs reimbursable if incurred before the start of the project?**

A: All grant expenditures must be incurred and spent during the grant term. Any pre-development costs (or other soft costs) associated with the project and proposed in the application budget (see grant application item 11) as an incidental cost can be submitted for reimbursement but not outside of the grant term.

- 4. Q: If a project goes over budget due to unforeseen circumstances or conditions, can we be reimbursed?**

A: The reimbursement of claimed expenditures cannot exceed the grant award associated with such project application.

5. Q: Can cost estimates be submitted for each project, or must we obtain competitive bids?

A: Either is acceptable as appropriate within your agency's policies. Also see question 24 about entities' responsibility. The source of cost estimate must be identified in the application.

6. Q: Must projects be completed in priority order?

A: Completion of projects in priority order is not required.

7. Q: If we submit a number of applications and only several are awarded, will the award be in priority order?

A: Grant awards are made within two tranches. Grants awards within each tranche are based on total project scores, not the priority number. However, the priority number assigned by a school may be used for resolving ties and may not necessarily affect the grant award order. (See RFP page 8, "Award Process:").

8. Q: Is there a time limit in which to complete the project after the end of the grant period?

A: Grant funds must be expended and the project completed before the end of the grant term (9/30/2025) in order to be reimbursable with grant funds.

9. Q: Is replacing or rebuilding items such as floor mats, or a running track considered capital and thus qualifies as building equipment or systems for the purposes of this funding?

A: Floor mats are considered equipment. Equipment with a useful life of less than 10 years are not eligible for funding and may not be included in the application (see RFP page 5). Running tracks that have an expected useful life of 10 years or more qualify for funding.

10. Q: How competitive is the application process? Since our school is on the approved list, doesn't that indicate that if our projects are eligible, we will qualify for some funding?

A: School eligibility does not guarantee funding. Schools can submit multiple applications; there is no limitation on the number of project applications a school may submit. Eligibility of a project does not guarantee an award. Grant awards will be made within each tranche specified in the RFP in rank order based on the total project score and availability of funds.

11. Q: If we submit multiple applications, can we satisfy the M/WBE requirement with the total grant award, or must it be per application/project?

A: The M/WBE requirement is per application/project.

12. Q: Can we submit photos as supporting documentation?

A: Yes, as .pdf documents (the documents must be clearly labeled per the grant application instructions).

13. Q: The RFP says that the Project Period begins 10/1/20 but award notifications will be made around 7/1/20. If awarded a grant, do we need to wait until 10/1/20 before we commence any grant-reimbursable work?

A: The notice of award (expected to be made in the fall of 2020) is a preliminary award notice. This preliminary notice of award will state that no work should be initiated until the contract receives the formal approval of the Attorney General and the State Comptroller. Therefore, schools should wait until the project start date or until they have an executed contract before incurring costs that are to be reimbursed with grant funding. Grantees can, however, begin or resume work if using other funding sources.

14. Q: Page 7 of the RFP shows that projects score 0-15 points based on “estimated construction costs as a percentage of estimated total project costs.” Does this mean that, for example, a project that is 100% building construction costs will score 15 points whereas one that is 80% building construction costs and 20% incidental costs will score fewer points?

A: Please refer to the Scoring Rubric as to the assignment of points related to construction costs as a percentage of the total project costs. The scoring rubric #7 indicates a construction cost percentage of 1% to 49% is assigned 5 points, 50% to 79% is assigned 10 points and 80% to 100% is assigned 15 points.

15. Q: Item 11 in the application states, “While not required, additional non-State funding may be identified by the applicant if available to support project costs.” What about additional State funding? For instance, if a school applies for a separate NYS grant for a specific project and gets the award, can the school apply through this 4201 capital program to support the rest of the funds for the same project (e.g. coolers/freezers)?

A: Yes, as long as the payments requested do not duplicate reimbursement from other sources of funding for the same expenditure.

16. Q: The application states that the preferred M/WBE participation rate for awarded contracts is 30% or above. Is that 30% of each project or 30% of our combined costs of all our projects (less salaries, rent and other non-applicable expenses)? For instance, if we are awarded funding for two construction projects of \$200k each and two for \$50k each, and we use M/WBE contractors for the two smaller projects but not the two larger projects, does this mean we are at 50% M/WBE compliance (2 of 4 projects of \$25k or more) or at 20% compliance (\$100k out of \$500k total project costs)?

A: The 30% participation rate is based upon each individual project separately.

17. Q: Regarding the M/WBE goal calculation worksheet, are we talking about each applicant’s total discretionary non-personal service budget as the school’s total annual budget? Is the total annual budget considered as the school’s total annual budget for 4201 State Funds, or the overall school’s budget for ALL funds, or for the overall total capital project costs?

A: The M/WBE Goal Calculation Worksheet is based on 30% of an individual grant’s annual discretionary funding for each grant project’s budget.

18. Q: Regarding the M/WBE Cover Letter, is the signature at the bottom supposed to be the school's superintendent's signature?

A: The M/WBE Cover Letter can be signed by the school's superintendent or an authorized agent. This is left to the discretion of the grantee.

19. Q: Regarding the M/WBE requirement, whenever the 30% threshold is calculated and determined, the M/WBE goal has been achieved. How does this amount determine the 100% participation? And, how does the applicant/school meet the goal of the dollar amount itself?

A: 100% of the M/WBE goal is achieved when a grantee utilizes M/WBEs for 30% or more of the grant's discretionary spending.

20. Q: All funds will be distributed on a reimbursement basis. Many of the 4201 schools rely on a line of credit (LOC) for daily financial operations due to the PPC funding mechanism and process for managing the annual operating budget every year. There are some years when the LOC is almost at its maximum while other years the LOC is low, depending on the enrollment of students and total expenditures for the annual operating budget for each year. The concern is that there could be sometimes when the LOC could be maxed out and payments for major capital construction projects would not be possible to be processed upfront. Is there a way that the 4201 schools could receive some funds upfront to pay for major capital projects for this grant program? Can a process/procedure be established for receiving funds upfront to ease the burden of financial hardship for the 4201 schools?

A: No advanced payments are made under this contract because the funding is reimbursement only.

21. Q: It appears that there is no limitation on the number of project applications a school may submit

A: Correct. There is no limitation on the number of project applications a school may submit.

22. Q: Will the number of the school's project applications factor into the scoring process?

A: The actual number of applications submitted by a school will not factor into the scoring process. However, if a school has submitted multiple applications and awarded a grant, this may impact subsequent awards that have scores the same as other grant applications. See RFP page 8, "Award Process:" section, ties and tiebreaker rules (item 2. b. "Entity(ies) not yet awarded a grant will be ranked higher,).

23. Q: On the application cover page, what is meant by the "Application Code." Do applicants complete this question, or is this a "For Office Use" question?

A: The term "Application Code" is not on the cover page. The cover page does have a term/label of "Agency Code". Agency Code refers to the BEDS/SEDREF code, however applicants can also provide their NYS Vendor ID.

24. Q: For this capital grant program, if a school wants to hire a company that is on State Contract for a capital project within this grant program, does the school need to conduct a competitive bidding process?

A: The grantee is responsible for selecting any subcontractors they may need to perform portions of the work. The grantee remains responsible for performing the essential tasks required to complete the project, and remains financially liable for any cost overruns on the project.

The grantee should follow its local agency governing body policy. See in particular "Entities' Responsibility" on page 9 of the RFA:

Projects must operate under the jurisdiction of the local board of education, or other appropriate governing body, and are subject to at least the same degree of accountability as all other expenditures of the local agency. The local board of education, or other appropriate governing body, is responsible for the proper disbursement of, and accounting for, project funds. Written agency policy concerning wages, mileage and travel allowances, overtime compensation, or fringe benefits, as well as State rules pertaining to competitive bidding, safety regulations and inventory control must be followed.

25. Q: Can grant monies be used for yearly surveying of a slowly deteriorating retaining wall even if we are not requesting construction or renovation funding for that wall in our grant application?

A: No. Costs for "yearly surveys" are not capital construction costs eligible for 4201 Grant monies.

26. Q: Page 13 of the RFA, applicants are told that if they cannot submit requested M/WBE information and documentation at the time of submission, they will have 30 days from the date of notice of award to submit the necessary documents. However, page 20 of the RFA lists the M/WBE Documents Package among the "REQUIRED documents for a complete application package." This seems to contradict the guidance given on page 13. So, is an application package considered incomplete if it does not include a M/WBE Documents Package?

A: The 30 days from the date of notice of award was included in error and was removed in the updated posted RFA. All applicants should do their best to complete M/WBE documents at the time of submitting the bid. A contract will not be finalized and executed until the M/WBE package is reviewed and approved.

27. Q: Item #5 in the application asks applicants to "Attach a PDF document describing any rehabilitation, alterations or improvements made to this building or site in the past 10 years." Would this include minor repairs such as spackling, painting, caulking, gym floor sanding and recoating, etc.?

A: No. Documentation for 'minor repairs' (& maintenance) are not required to be submitted.

28. Q: Regarding Item #5 in the application, should applicants only tell about rehabs, alterations and improvements made to the building that pertain to the grant project? For example, if our project is to add safety cameras to a cafeteria entranceway, do you want us to tell you about an oven that we replaced in that same building?

A: Please provide a description of all rehabilitation, alterations and/or improvements made to the building regardless of whether they are directly related to or specifically pertain to the grant project.

29. Q: Page 4 requires that the total project budget for each application be provided. The total project budget will include hard costs (contractor costs) and soft costs (engineering, legal, financial advisor, survey and testing, legal advertising, insurance during construction, etc). Questions: Are soft costs eligible for grant funds as well as hard costs?

A: Yes.

30. Q: Are there any limits or exclusions to eligible soft costs?

A: No limits. However, it is noted that there are items that are not eligible for grant funds. Please refer to the RFP page 5 for a list of these items.

31. Q: Page 9 says that all funds will be distributed on a reimbursement basis and they indicate that reimbursement funds will be released in most cases in 90 days. As noted previously, this will present a cash flow issue for most applicant schools since they will need enough funds on hand to pay the monthly project costs for 90+ days until the reimbursements catch up with the expenses. For large projects, this could be significant, and it is possible a line of credit may be necessary to fund the beginning months of the project. Question: Are interest expenses incurred for project-related costs eligible for reimbursement?

A: No, interest expenses are not eligible for reimbursement.

32. Q: Page 13 requires information regarding M/WBE participation as part of the grant application. The M/WBE requirements can be published with the bidding documents and made a requirement for the bidding contractors, but the Contractors and Sub-contractors are not known at this time. Therefore, it is not possible to complete the M/WBE utilization plan as part of this grant application. Questions: It is unclear how the M/WBE requirements which will apply to Construction Contractors to be bid at a later date can be addressed as part of this grant application. How are applicants to provide such information so far in advance of bidding the project? Who will review and approve the M/WBE forms once completed by the successful bidder - NYSED or the Contracting Agency/School? Is approval of the M/WBE compliance method a condition for an Award of Contract to the Bidder? Can questions regarding the M/WBE requirements be submitted after March 9th?

A: The 30 days from the date of notice of award was included in error and was removed in the updated posted RFA. All applicants should do their best to complete M/WBE documents at the time of submitting the bid. A contract will not be finalized and executed until the M/WBE package is reviewed and approved. Applicants should submit complete M/WBE Paperwork. The NYSED M/WBE Unit will review and approve the M/WBE forms. Approval of the M/WBE compliance is not a condition for an initial Award of Contract to the bidder. Questions specific to M/WBE requirements can be submitted to MWBEgrants@nysed.gov after March 9th.

33. Q: Will NYSED be the authority having jurisdiction over this project with respect to issuing a building permit?

A: No. A Code review and building permit is required to be obtained locally.

34. Q: Do we (the School) send one Notice of Intent (NOI) listing the projects or does it send a separate NOI for each project?

A: A single NOI should be submitted listing the name of the applicant and NYS vendor ID. Applicants may include the number of projects in the NOI.

35. Q: Related to Application Guidance page 5, we have the Facility Grant Program Application, where do we find the “Complete Grant Application – Excel), identified on page 6?

*A: These are the same. The 4201 Capital Program: [State-Supported Schools for the Blind and Deaf Facility Grant Program](http://www.p12.nysed.gov/funding/4201-capital-program-blind-deaf-facility-grant/home.html) application and related MS-EXCEL documents can be found at: <http://www.p12.nysed.gov/funding/4201-capital-program-blind-deaf-facility-grant/home.html>
Also, the 4201 link can be accessed from the web link found on:
<http://www.p12.nysed.gov/funding/currentapps.html#4201>*

36. Q: Minority/Women Owned – Business Enterprises (M/WBE) page 12, How do we make the “good faith effort”, is that satisfied by advertising, listing on our website, or are there other requirements such as reaching out directly? If there is a general contractor (GC), is it their responsibility to do so and the School details that requirement in the RFP?

A: A list of examples of "good faith efforts" can be found on the Good Faith Efforts form and Partial Waiver Request instructions. Examples of “good faith efforts” are proof of bids received, price comparisons and email correspondence. Any waiver or partial waiver has to be approved by The Executive Chamber of Empire State Development. It is the responsibility of the applicant to submit this form and the required information and certify that Good Faith Efforts have been taken to promote M/WBE participation.

37. Q: Is the grant application page 6, different from the project application? If so where can it be found.

A: The grant application and project application are the same. The [Facility Grant Program Application](http://www.p12.nysed.gov/funding/currentapps.html) MS-EXCEL file is the application required for each project. The link on page 5 of the RFP, <http://www.p12.nysed.gov/funding/currentapps.html>, is for the P-12 page to access the grants administered by the State Education Department.

38. Q: On page 20 (Application Checklist – Required Documents), do the Workers Compensation, Disability Benefits refer to us (the School), or to potential vendors?

A: All applicants, including subcontractors/potential vendors need to have Workers Compensation and Disability Benefits in order to receive a grant contract with New York State.

39. Q: On page 20 (Application Checklist – M/WBE), does this have to be filled out for application submission (because we have no idea who the contractor may be without issuing a RFP)?

A: All applicants should do their best to complete M/WBE documents at the time of submitting the bid. A contract will not be finalized and executed until the M/WBE package is reviewed and approved.

40. Q: On page 30 (Staffing Plan Instructions), does this have to be filled out for application submission (again we have no idea who the contractor may be without issuing a RFP)?

A: All applicants should do their best to complete M/WBE documents at the time of submitting the bid. A contract will not be finalized and executed until the M/WBE package is reviewed and approved.

- 41. Q: We just want to make sure we understand, in the Facility Program Grant Application (Section 11 – Estimated Cost of proposed Project) the breakdown of Construction and Incidental costs are identified. A project that SMSD is planning to do is the replacement of about 450 windows (lead paint, porous weather). Our view is that there are two components, the windows and the installation. What is the “construction cost” in this situation? We believe it would be the same as the Total Project Costs, is that correct?**

A: Construction costs are the contracted costs for the purchase and installation of the windows. In most cases, if not all cases, the project would also have incidental “soft costs” for design and development and project management. Therefore, total project costs would not be the same as construction costs.

- 42. Q: We are planning on submitting a project for a generator that can power portions (if not the entire campus) of the School in case of power failures. If we understand the scoring in the Facility Program Grant Application (Section 11 – Estimated Cost of proposed Project), this project would be considered a NEW project (the School does not have a “stand alone generator” so we would respond to # 9 because we would enter an n/a in sections 4 and 5 and there would be a re-weighting, correct? If correct, would a NEW project potentially lose points because of the re-weighting?**

A: Yes, if n/a is entered in sections 4 and 5 there would be a re-weighting. No, a new project wouldn't lose points because of the re-weighting it would gain points by receiving a weighted average number of points for sections 4 and 5. Please see page 7 of the RFP for more details.

- 43. Q: If we already started the feasibility, design, cost estimating and environmental testing in order to get a more accurate estimate of a specific project (but haven't sent project out for bid, secured a vendor, or started any construction): Could that project still be funded.**

A: Yes.

- 44. Q: If it could be funded are those upfront costs reimbursable?**

A: These costs are allowable but not reimbursable outside of the project term. All grant expenditures must be incurred and spent during the grant term.

- 45. Q: What happens if a school has multiple projects and a lower priority project receives a higher score?**

A: The grant awards are based on total project scores. For grant awards within an entity, a project with a lower priority number but having a higher project score, will be awarded a grant before a project with a higher priority number and a lower total project score.

- 46. Q: Can a school receive multiple awards based on their scores and another school receive nothing? (Ex. Schools A, B, C and D each receive an award in one of the tranches. The next**

highest score in the tranche belongs to School B. Would School B receive the next award even though the other schools have not yet received an award?)

A: Yes, However, if a school has submitted multiple applications and awarded a grant, this may impact subsequent awards that have scores the same as other grant applications. See RFP page 8, "Award Process:" section, ties and tiebreaker rules (item 2. b. "Entity(ies) not yet awarded a grant will be ranked higher).

47. Q: What other purpose(s) does the priority number have in the award process besides being used in the event of a tiebreaker situation?

A: The priority numbers are for the district to use to rank their most critical project to be awarded before 'lesser' projects if they score equally. Projects not assigned a priority number will not be considered unless only one project is submitted by the applicant.

48. Q: What is the maximum percentage of soft costs allowed?

A: There is no maximum or minimum percentages of costs allowed, however, for a project to be eligible it must contain at least \$10,000 of construction costs.

49. Q: Projects involving *replacement* of equipment/systems/building components which are beyond repair ex. Fire alarm system, boiler, windows etc. – which sections should be complete from 8, 9 and 10? #10 is for proposed new equipment, new systems or new building components being installed or added. # 8 and #9 refer to systems which are being altered, rehabilitated or improved – implying currently in use. Would a replacement be considered altered, rehabilitated, improved OR new equipment, new systems or new building components being installed or added?

A: Only #'s 8 & 9 would have to be completed in this scenario. #10 only refers to new equipment, new systems or new building components being installed or added.

50. Q: Please clarify M/WBE participation level is not part of the scoring process and does not impact initial award of grant funding. Those who cannot provide such information/documentation at the time of submission has 30 days from the date of the notice of award to submit the documentation.

A: The M/WBE participation is not part of the official scoring process but once an awardee is announced, they must go through M/WBE compliance before a contract can be issued. The 30 days from the date of notice of award was included in error and was removed in the updated posted RFA.

51. Q: M/WBE forms are listed as *required* as part of the Application Checklist. What if at the time of application, the only information available is the "Calculation of M/WBE Goal Amount"? Please confirm all other forms/documents can be submit 30 days from the date of the notice of award.

A: The 30 days from the date of notice of award was included in error and was removed in the updated posted RFA. All applicants should do their best to complete M/WBE documents at the time of submitting the bid. A contract will not be finalized and executed until the M/WBE package is reviewed and approved.

52. Q: Are 4201 schools exempt from completing and submitting a Vendor Responsibility Questionnaire? (School districts, Charter Schools, BOCES etc. are exempt entities).

A: No, 4201 schools must complete a Vendor Responsibility Questionnaire.

53. Q: Who is considered a subcontractor for the purpose of who is required to complete a Vendor Responsibility Questionnaire? Please provide examples.

A: The applicant and its subcontractors must complete a Vendor Responsibility Questionnaire for projects at or over \$100,000. Subcontracting is defined as non-employee direct personal services and related incidental expenses, including travel. For vendors using subcontractors, a Vendor Responsibility Questionnaire and a NYSED vendor responsibility review are required for a subcontractor when:

- *the subcontractor is known at the time of the contract award;*
- *the subcontractor is not an entity that is exempt from reporting by OSC; and*
- *the subcontract will equal or exceed \$100,000 over the life of the contract*

Examples of a subcontractor would be a vendor that provides items such as light fixture, piping, HVAC components, etc.. and also vendors that provide services such as surveying, management, etc...

54. Q: How long is the ‘review and approved’ period?

A: There are several review and approval periods. The application review period and preliminary award notices are estimated to be completed by the fall of 2020. NYSED is required to obtain approval from the Division of the Budget and the Office of the State Comptroller. NYSED must also review and approve your proposed budget, as well as your plan for meeting Minority and Women-Owned Business Enterprise (M/WBE) requirements. In addition, grant awards will require that the awardee enter into a grant contract which must be properly signed by both parties and submitted for review and approval by the NYS Attorney General, and NYS Comptroller. The contract is executed after the approval of the State Comptroller.

55. Q: If funds are not released in 90 days (for most cases) what is the maximum number of days it will take to release funds?

A: There is no timeline; funds will be released after receipt of request for reimbursement and approval by the NYSED Office of Facilities Planning and Fiscal Management office.

56. Q: Does submitting an RFA for the 4201 Capital Grant Application override the current requirement to submit the Capital Construction Project Application for projects in excess of \$100,000? Are there any conflicts posed by a school submitting a 4201 Capital Grant Application who anticipates having a Capital Construction/Renovation Project Application in process?

A: The 4201 Capital Grant Application and the Capital Construction Project Application for projects in excess of \$100,000 per the Reimbursable Cost Manual (RCM) are separate project requests. The 4201 Capital Grant Applications are not a guarantee of funds, therefore if the school is not awarded funds from the 4201 Capital Grant, they would have to submit per the

RCM a Capital Construction Project application for projects in excess of \$100,000. If a school is awarded funds through the 4201 Capital Grant, then there would not be a need to submit an application to the Capital Construction Project for the same project and same amount awarded. According to the RFA, projects that have already been awarded or have been completed are not eligible for funding and may not be included in this 4201 Capital Grant request.

57. Q: Our understanding is that most projects are within our 50 mile radius except Rochester, is it required to accept all locations at the same time or are the projects bid separately?

A: The location of a project is not necessarily a factor that determines a grant award. However, the location of a project must be at an approved school site or at a site to be leased by the school to deliver approved services.

State-Supported Schools for the Blind and Deaf Facility Grant Program: 4201 Capital GRANT Program Question and Answer RESPONSES Part 2 of 2

Please note: below are answers to all remaining questions not responded to as part of the initial Questions and Answers Summary. Responses to questions 1-57 were previously posted.

58. Q: Will these construction projects require the prevailing wages during the competitive bidding process for the 4201 capital grant program?

A: While NYSED does not consider the grants awarded under this RFP to be public work contracts, such determinations are made by the Bureau of Public Work within the Department of Labor. Schools should discuss this matter with their counsel and follow their local procurement policies.

59. Q: Will NYS General Municipal Law requirements regarding public bidding apply to this project?

A: Schools should discuss this matter with their counsel and follow their local procurement policies.

60. Q: Will the Capital Project work covered by this grant be subject to Wicks Law (requiring multiple prime contracts for projects exceeding \$500,000)?

A: Schools should discuss this matter with their counsel and follow their local procurement policies.

61. Q: What about “prevailing wage” is this a requirement?

A: While NYSED does not consider the grants awarded under this RFP to be public work contracts, such determinations are made by the Bureau of Public Work within the Department of Labor. Schools should discuss this matter with their counsel and follow their local procurement policies.

62. Q: Are bonds required for this project, bid payment, performance, maintenance?

A: Schools should discuss this matter with their counsel and follow their local procurement policies.