



**Agriculture
and Markets**

RFP#0165 - REQUEST FOR PROPOSALS

for the

**2017-2018 NEW YORK STATE
COMPANION ANIMAL CAPITAL FUND**

Competitive Grants

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1. INTRODUCTION

1.1 Overview

The New York State Companion Animal Capital Fund received a Five Million Dollar (\$5,000,000) appropriation in the 2017-2018 state fiscal year budget. The funds will be provided as competitive grants to municipal and incorporated not-for-profit pounds, shelters and humane societies for the costs of capital projects. The projects may include the 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.

1.2 Timeline

RFP Posted	10/16/2017
Questions Due	12/27/2017
Answers Posted	1/05/2018
Proposals Due	1/10/2018 at 4:00 pm local time
Tentative Award Date	2/10/2018
Contract Start Date (2 year contracts)	3/1/2018

1.3 Question and Answer

Questions concerning this RFP should be sent to:

Name: Alexandra Chiusano
 Address: 10B Airline Drive, Albany, NY 12235
 Phone: (518) 457-3643
 Email: Alexandra.Chiusano@agriculture.ny.gov

All questions must be submitted in writing by December 27, 2017. A list of questions, answers to those questions, as well as any addenda to the RFP will be posted on 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 1/5/2018. All questions and answers shall be incorporated in the RFP as a formal addendum.

2. ELIGIBILITY

2.1 Eligible Applicants

Municipal and incorporated not-for-profit pounds, shelters and humane societies are eligible applicants.

2.2 Available Grants

- 1) 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:
 - i) 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
 - ii) 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.
- 2) 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.

2.3 Eligible Projects

Only capital projects necessary for the secure containment, health and adequate care of sheltered dogs and cats are eligible for funding.

2.4 Eligible Costs

Eligible expenses include direct costs related to the:

- construction
- renovation
- rehabilitation
- installation
- acquisition, or
- expansion

of buildings, equipment or facilities.

2.5 Eligible Match

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 be applied to cost categories listed in Section 2.4.

2.6 Project Duration

Proposed projects must be completed within two years of the contract start date.

3. DOCUMENTS AND ADMINISTRATIVE REQUIREMENTS

3.1 Registration and Pre-Qualification

New York State vendors must register in the Gateway and establish users in the system. To start this process, from the Grant Opportunity Portal (https://grantsgateway.ny.gov/IntelliGrants_NYSGG/module/nysgg/goportal.aspx), under Registration, click “Request Access Now!” to view your options.

For existing NYS vendors, there is only one step. You must submit a Registration Form for Administrators identifying a Delegated Administrator responsible for managing your organization’s profile and users.

To find out if your organization has already registered, enter its SFS Vendor ID number and search. If your organization is registered, the search result will include contact information for its delegated administrator, and you can contact this individual to request access to the system. If your organization is not registered, the search result will provide a link to the Request Form for Administrator, which you will need to complete and submit pursuant to the instructions provided.

If your organization is not currently doing business with NYS, you will need to submit a Substitute W-9 Form to obtain a NYS SFS Vendor ID, in addition to the Registration Form for Administrators, in order to register.

All not-for-profit organizations that intend to submit a proposal in response to this RFP must also be pre-qualified prior to the submission of your proposal(s). If you have not pre-qualified with the Division of Budget by the time that you submit your proposal(s), each proposal you submit will be rejected and not considered for funding under this RFP. For more information regarding the pre-qualification process, please view [FAQs About Prequalification](#) as provided by the New York State Grants Reform Team.

If you have not yet registered (or, as a not-for-profit, prequalified), please do so immediately.

3.2 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.

3.3 New York State Charities Bureau Registration

All not-for-profits organizations contracting with the State or serving as a fiscal agent must be registered with the New York State Charities Bureau, unless a proper exemption is obtained. All applicants must, therefore provide either:

- The organization's charitable registration number and written documentation from the Office of the Attorney General that the charitable organization is currently up-to-date with its Charities Registration; or
- A statement from the applicant that the organization is exempt pursuant to one of the categories indicated on the [Office of Attorney General's Request for Registration Exemption \(Schedule E\)](#). The statement must identify the specific category under which the charitable organization is exempt.

To obtain written documentation of an organization's charities registration status, or if you have questions regarding the statutory requirements for registration, contact the New York State Office of the Attorney General, Bureau of Charities Registration, 120 Broadway, New York, NY 10271-0332, or call (212) 416-8402, email charities.bureau@oag.state.ny.us or visit their website at <http://www.oag.state.ny.us/bureaus/charities/charities.html>.

Eligible 501(c)(3) not-for-profit corporations acting as the applicant must have a New York State Attorney General Charities Bureau Registration number or an Exemption Certificate issued by the New York State Attorney General Charities Bureau explaining why the organization is exempt from registering with the Charities Bureau.

4. PROPOSAL FORMAT

All proposals must be submitted online through the Grants Gateway.

(<https://www.grantsgateway.ny.gov>)

- 1) Provide all information requested in the online Grants Gateway application form.
- 2) Attach all required attachments, drawings, photos, support letters, etc. at the end of the online Application.

5. EVALUATION FACTORS

All eligible proposals will be competitively rated by a panel designated by the Department. A total of 100 points are available for the following criteria.

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.

5.1 Need Assessment (40 points)

Describe the project overall.

- 1) What are the main objectives as they relate to the secure containment, health, and adequate care of sheltered dogs and cats?
- 2) Why is it important or needed in the target municipality?
- 3) How urgent is the need?
- 4) How will the project positively impact the animals in your organization's care?
- 5) What other resources are available in the community to shelter and care for animals?
- 6) How many animals are at risk or in need if this project is not funded?
- 7) What is the average length of stay for cats and/or dogs, and, if applicable, what will this project do to decrease it?
- 8) What additional services are provided by the shelter or pound? (i.e. low cost vaccination clinic, spay/neuter services, etc.):

5.2 Project Description (20 points)

What is your readiness to proceed with the project if funded?

- 1) Are you able to begin the project once you receive funding? Describe when the project will begin once funding is received.
- 2) Have you already begun the project? Note: Grant money will only go toward discrete portions (e.g. equipment) of a project and cannot pay for work already completed.
- 3) What is the time frame for completion of the project?
- 4) Does your organization have local support? Please upload letters of support from your municipal government and/or any organizations that you partner or collaborate with on an ongoing basis. Content of the letters should adequately describe the writer's knowledge of your organization and intended project. Multiple letters are encouraged.

5.3 Project Meets Need (20 points)

Describe the effectiveness of this project and how it addresses needs identified.

- 1) Is this project a long-term solution? If so, please describe.
- 2) Will this project increase your capacity to care for animals? If so, by how much will your capacity increase?
- 3) Will this project allow you to provide additional services for the animals you care for? If so, what are those services?

5.4 Reasonableness of Cost (20 points)

Justify equipment purchases and infrastructure costs. Show that costs are commensurate with the number of animals benefited. Specific costs should align with ASV guidelines.

6. AWARD PROCESS

The Department will first screen applications to ensure that they meet eligibility requirements. All proposals deemed eligible by the Department will be evaluated by a Department panel according to the funding criteria; scores will be averaged and ranked in order from highest to lowest. Those proposals receiving the highest numerical scores above the threshold score (65), continuing until available funds are exhausted, or until all proposals are funded, whichever occurs first, will be funded.

A contract defining all terms and conditions and responsibilities of the successful applicant shall be developed by the Department subsequent to the awarding of funds. 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.

7. REIMBURSEMENT FOR FUNDING

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 budget amount to be disbursed to the contractor until such time as the final report is accepted.

A New York State Claim for Payment Form must be submitted to the Department in order 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.

8. REPORTING REQUIREMENTS

8.1 Quarterly Reports

Awarded applicants 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.

8.2 Reimbursement Request Reports

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

8.3 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.

9. 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.

10. 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.

11. 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.

12. 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

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 of Agriculture and Markets, ATTN: Carrie Lindemann, 10B Airline Drive, Albany, New York 12235; (518) 485-8740; carrie.lindemann@agriculture.ny.gov, 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 bid or proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of [Appendix A – Standard Clauses for All New York State Contracts including Clause 12 - Equal Employment Opportunities for Minorities and Women.

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 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 non-discrimination 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.

13. OTHER CONSIDERATIONS

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;

- 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.

14. FREEDOM OF INFORMATION

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

15. DEBRIEFING

Pursuant to section 163(9)(c) of the State Finance Law, an unsuccessful bidder has the right to a debriefing regarding the reasons its application was not selected for award. 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, by phone at: (518) 457-6172 or via e-mail at judy.giovannetti@agriculture.ny.gov. A review should be requested by an unsuccessful applicant within thirty (30) days of the date of the notice that its proposal was not selected for an award.