

Section 3 Compliance Plan RFP

Questions and Answers

5/14/2015

Question 1 - One firm suggested the following items for updating the RFP in accordance with 24 CFR 85.36(d):

- It might be advisable to also include not only MWBE participation as a compliance matter, but also Section 3 firm participation in the service provider requirements, e.g. companies that are certified as Section 3 in New York State;
- Further, as you know, HUD wants all of their CDBG and other funded/guaranteed programs to announce with HUD's specific Section 3 Utilization Language that all Contractors must seek to utilize Section 3 firms. I recommend you utilize this language in the Section 3 compliance services RFQ;
- Finally, in these awards, a Section 3 firm bidding as prime is supposed to get some form of point scoring recognition in the evaluation. I suggest you define what that might look like. 110 points for a Section 3 led effort and 100% for a non-Section 3 led effort as an example. (April 30, 2015)

Answer - The source of funding for the proposed contract will be HTFC (Housing Trust Fund Corporation) and not CDBG. Although, the RFP mentions that HTFC is a recipient of CDBG funds, this information is provided merely as background to prospective proposers so they will be able to understand the requirements of the requested services. The procurement requirements in 24 CFR 85.36(d) are for the use of federal funds to purchase materials, products or services under the CDBG Entitlement program and such requirements are not applicable in this procurement process. (May 4, 2015)

Question 2 - If we are a MBE and are interested in responding, could we also reach out to other perspective respondents in an effort to partner with them? (4/29/2015)

Answer - Yes. (May 15, 2015)

Question 3 - The services to be rendered by the consultant are in conjunction with Agency staff. What is the level of this dedicated section 3 agency staffing and what is their role, e.g. outreach to Section 3 community both contractors and individuals and potential T/A collaborators; development of financial assistance to Section 3 contractors, etc? Where are they located and what role will they play in compliance activities? (5/5/2015)

Answer - HTFC staff are located in Albany, Buffalo, New York City and Syracuse. HTFC's Section 3 Compliance Specialist will be available to work with the Contractor on a day-to-day basis throughout the term of the contract, and will continue to be responsible for compliance and monitoring activities. (May 15, 2015)

Question 4 - How can I access a list of the individuals/companies to whom New York State Homes & Community Renewal has sent the referenced Section 3 RFP? (5/08/2015)

Answer - As part of this RFP, and consistent with Article 15 of the State's Executive Law and 5 NYCRR Parts 142-144 ("MWBE Regulations"), HTFC encourages partnering and joint ventures between majority firms and MWBEs. In the RFP we state that firms may reach out to HTFC for assistance in "identifying MWBE partners." In order to further the goal of increasing MWBE participation in this contract HTFC will provide prospective proposers a listing of firms who received copies of this RFP upon request. The listing of firms may include both MWBE firms and non-MWBE firms. (May 15, 2015)

Question 5 - Wondering if we can retrieve a list of potential respondents for this RFP so that we may send out of our information to partner with them on this RFP. We are business consultants as well as MBE.

Answer - See response to question number 4 above. (May 15, 2015)

Question 6 - I am reaching out to you per the instructions within the 2015 Section 3 RFP. We are seeking to identify a NYS certified WBE. Any resource you can direct us to would be helpful.

Answer - In addition to referring to the response to question number 4 above, please check the State's certified MWBE directory at <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=4687> (May 15, 2015)

Question 7 - Please find below our questions pertaining to the NYS Section 3 Compliance Plan RFP. We thank you in advance for your assistance. (May 11, 2015)

GENERAL:

- What is the budget ceiling for the described Scope of Work?
 - **A budget ceiling has not been determined; however, the budget is considered when scoring proposals. (May 15, 2015)**
- Which languages would we be required to support?
 - **No required language; however, materials in other languages, particularly Spanish, may assist the Contractor in outreach efforts. (May 15, 2015)**
- Can HCR provide or direct us to current Section 3 history or past performance?
 - **Past performance as it relates to Section 3 is not available. The agency will discuss current performance with the entity awarded the contract. (May 15, 2015)**
- Which forms, if any, under Tab 6 are subcontractors required to complete?
 - **All forms are to be completed by the proposer. (May 15, 2015)**

INFORM:

- What is the size of the HTFC staff that we are expected to train?
 - **30 to 40 individuals. (May 15, 2015)**
- Where would the training be conducted? Would we have access to HTFC facilities to train?
 - **Albany, NY with video capability to regional offices in Buffalo, NYC and Syracuse. The selected proposer would have use of HTFC facilities to train. (May 15, 2015)**

ASSIST:

- What are the security requirements with regard to the webpage? Where would the web content reside?
- **Web page security and web content will be managed by HTFC's Public Information Office. The intent is for the Contractor to assist in the layout and type of information that would go on the web page. (May 15, 2015)**
- Who would be the POC for sign-offs on web content?
- **The Assistant Public Information Officer and the Director of Fair and Equitable Housing Office. (May 15, 2015)**
- Is there a target number (or minimum number) of TA and training sessions HTFC expects to occur?
- **At least 2 sessions will be required in each HTFC regional office: Albany, Buffalo, New York City and Syracuse (May 15, 2015)**
- Is there a preferred method of outreach?
- **In-person community outreach; however, HTFC is open to best practice methods that yield the greatest results. (May 15, 2015)**
- Can some of the training sessions be conducted via webinar?
- **Yes; however, our preference would be in-person training sessions. (May 15, 2015)**
- How are current Section 3 reports being maintained and who is maintaining these files?
- **Excel files are maintained by a Section 3 Compliance Specialist. (May 15, 2015)**

Question 8. –

- a. What is the total number of contracts subject to Section 3 requirement on the annual basis?
- **Approximately 200 covering CDBG, HOME LPA and HOME Capital. (May 15, 2015)**
- b. Will the scope of this RFP cover only HTFC directly administered contracts? Or will it cover all contracts that funded through HTFC but administered by subrecipients, such as local housing authorities and nonprofit housing organizations, etc.?
- **All contracts are funded through HTFC but administered by subrecipients. (May 15, 2015)**
- c. Does HTFC has a list of existing directory for the ready, willing and able Section 3 businesses?
- **No. (May 15, 2015)**
- d. Does HTFC have a list of all public housing addresses statewide?
- **Most, but not necessarily all. (May 15, 2015)**
- e. How many counties, villages, towns and cities are eligible for the Section 3 funded programs and projects?
- **49 counties, 30 cities, 807 towns and 417 villages. (May 15, 2015)**
- f. The proposal calls for both entitlement and non-entitlement communities. Will the non-entitlement communities have priority over the entitlement communities since they get their funding directly from the state rather than directly from HUD? We were asking concerning the priority in training one over the other. It is our understanding that HCR funds directly those non entitlement communities, counties, villages and towns whereas the entitlement entities get their allocation directly from HUD. Therefore, we were trying to understand the priority in training non entitlement communities versus the entitlement ones.
- **A priority in training, non-entitlement vs. entitlement communities, has not been established. The State has a responsibility to ensure that all sub-recipients are aware of their Section 3 compliance requirements. (May 15, 2015)**

g. Under item VIII. Scope of Work, under the sub heading "Assist," it requests the successful bidder to "assist with the creation of a Section 3 page for HCR's website." Does this include a portal for both internal and external use, i.e., reporting, tracking, registration by Section 3 eligible businesses and persons, etc.? For clarity, this is an additional web "page" and not a completely separate, free standing web site?

- **Yes, and yes, it is an additional webpage. (May 15, 2015)**

h. The RFP calls for a Section 3 Compliance Plan. Will this or is this intended to include actual monitoring of the Section 3 eligible projects in accordance with HUD regulations across the State of New York?

- **Yes; however, once the Plan is completed the monitoring will be done by HTFC Section 3 Compliance Specialist. (May 15, 2015)**

i. Are there any outstanding monitoring or audit findings or concerns from HUD, HUD FHEO or the HUD Office of the Inspector General (OIG) in relation to Section 3 or Section 3 non-compliance with the State or any of its recipients?

- **None that we are aware of. (May 15, 2015)**

j. Are there any known complaints from outside advocacy agencies that have been filed concerning Section 3 non-compliance against HCR? (5/11/2015)

- **None that we are aware of. (May 15, 2015)**

Question 9 – Does the agency anticipate using a web based electronic system for Section 3 documentation submissions from contractors? (5/11/2015)

Answer - Yes; however, a web based electronic system is not required under this contract. (May 15, 2015)

Question 10 - Do you maintain a list of individuals/companies that are interested in teaming or joint venturing on this RFP? (5/9/2015)

- **No; however, please refer to the response to question number 4 above. (May 15, 2015)**

Question 11 - Is there an incumbent for this RFP? If yes, please list name of the incumbent. (5/8/15)

- **There is no incumbent. (May 15, 2015)**

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