

**Weatherization Assistance Program
Funding for Targeted Multi-Family Buildings
Temporary Weatherization Subgrantees**

Applicant Questions with DHCR Answers

- Q. Is the RFP for multi-family housing only?
- A. Yes. The intent of the RFP is to primarily target multi-family buildings under this \$50 million RFP. Multi-family is typically considered to be buildings with 5 units or more. But, in addition to the multi-family buildings, DHCR will consider Proposals that target portfolios of building types that include less than five units in instances where the group of buildings are publicly supported or under some type of affordable housing regulatory agreement. The RFP specifically states examples of such types of buildings including but not limited to supportive or special needs housing.
- Q. What do you expect subgrantees to have completed by the contract deadline of June 30, 2011?
- A. All weatherization activities and expenditures must be completed and post inspected by the subgrantee prior to the contract deadline.
- Q. Does a two-family home qualify as a multi-family?
- A. In general, no. The DOE definition of a multi-family is five units and above. But, for the purposes of the RFP, DHCR will accept proposals for portfolios of buildings that are less than five units in instances where the buildings are publicly supported or are under an affordable housing regulatory agreement.
- Q. Would portfolios that included a number of two family properties qualify? For example, what if there were twenty buildings with two families each?
- A. Only portfolios of such buildings that are publicly supported or are under some type of affordable housing regulatory agreement.
- Q. Has the Secretary of Labor determined a prevailing wage rate for weatherization work?
- A. No. It is anticipated that new wage rates will be provided to DHCR by mid-August, 2009. DHCR will provide Davis-Bacon related training to subgrantees and make new wage information available to subgrantees as it becomes available. A mailbox has been established on DHCR's website in order to receive weatherization questions that pertain to Davis Bacon.
- Q. We've been searching to find the weatherization wage rate as determined by the US DOL – the rate that would be used in New York City for the WAP program. We've been directed to the DOL website, but we've also seen letters from Sec. Chu and Solis stating that the rates will be released on August 14th. Adding to our

confusion, we heard that the rate for 5 story buildings and above is already determined, but we cannot find it.

- A. A new wage classification is being completed by US Department of Labor for residential weatherization work. The classification and accompanying rates are scheduled to be released on August 14th. Buildings that are in excess of four stories are subject to existing commercial building rates.
- Q. How should subgrantees take into account prevailing wages when developing budgets?
- A. Subgrantees should develop budgets using the best available U.S. Department of Labor wage determinations for current trades until such time as wage determinations for weatherization are established.
- Q. If the dollar amount of all applications exceeds the funds available, what will be the procedure for dividing up funds? Would DHCR be more likely to reject specific applications or to reduce application amounts?
- A. DHCR will award funds based on established evaluation criteria. DHCR reserves the right to fund applications at either the full amount requested or at a reduced funding amount. These determinations will be made based on the quality and volume of applications and the total dollar amounts requested.
- Q. What is the re-weatherization date?
- A. Any building that received weatherization after September 30, 1994 is not eligible.
- Q. What type of measures will be considered acceptable work?
- A. DOE has a list of approved materials and weatherization measures. This information is included in the DOE Final Rule, which is available on the Weatherization Assistance Program Technical Assistance Center web site at <http://www.waptac.org/sp.asp?id=1812>. Applicants should also refer to the Weatherization Assistance Program Policy and Procedures Manual, which is readily available on the DHCR website.
- Q. What is the timeframe for meeting income eligibility requirements? Is income eligibility documentation required at the time of application?
- A. Income eligibility documentation is required at the time of application and is good for 12 months. If a unit is vacant, it must be occupied by an income eligible client within 180 days.
- Q. If a vendor responsibility questionnaire has been previously filled out by the applicant does it need to be resubmitted?
- A. Vendor responsibility questionnaires must be submitted with the application and must be current, accurate and appropriately signed and notarized.
- Q. Will group homes with four units or more be considered?
- A. This is a targeted portfolio of interest to DHCR.

- Q. How much detail should be provided in the capacity section of the RFP by subgrantees already involved in other DHCR programs?
- A. Subgrantees should completely answer each aspect of the RFP and submit the entire package to DHCR.
- Q. If an applicant has a portfolio of preselected buildings, should the proposal include additional information regarding the buildings.
- A. No. At this time DHCR is more interested in the selection process and why specific portfolios should be prioritized.
- Q. If a targeted building is owned by a development company that employs crews to do building repairs, are the salaries of the company employees eligible?
- A. Possibly. All subgrantees must follow the procurement rules included in the Weatherization Policies and Procedures Manual. Also, all laborers and mechanics working on Weatherization projects funded through this RFP must be paid prevailing wages, in accordance with the Davis-Bacon Act.
- Q. Other than the initial advance, will there be other opportunities to draw funds?
- A. Yes. If deemed appropriate and justifiable, progress payments can be made under certain circumstances.
- Q. Is new construction eligible?
- A. No.
- Q. Is there funding available under the Recovery Act for training prospective weatherization employees?
- A. The WAP is only able to train and provide technical assistance to subgrantees or subcontractors engaged in weatherization. In NYS, the Department of Labor is soliciting proposals to provide entry level and transitional career training for potential weatherization employees who are not currently employed by a WAP subgrantee or subcontractor working on the Program.
- Q. If an organization is applying to be a temporary subgrantee and will be partnering with another organization, does the primary applicant need to submit qualifications for itself only or must it include qualifications for the partnering organization as well?
- A. The qualifications, criteria and roles for each part of the team must be clearly presented and documented in the application.
- Q. If a not-for-profit has 1,000 units in multi-family buildings throughout the State of New York, what is the best option for getting those units weatherized.
- A. Determine where the units are located and talk with existing subgrantees to figure out the best approach to getting the units weatherized. The not-for-profit owner could partner with one or more existing subgrantees in seeking funding under the

\$50M RFP and/or seek assistance from existing subgrantees under their regular ARRA allocation of WAP funds.

- Q. In accordance with HUD and DOE's recently released MOU, when will guidelines be in place to help simplify the income qualification process?
- A. Federal rule making is currently under way in accordance with the DOE-HUD MOU. DHCR does not have a specific implementation date. DHCR does not think that this new rule will change eligibility thresholds for weatherization and advises applicants to proceed under the current process. DHCR will post updates on its website as they become available.
- Q. If you are forming a new 501(c) and assuming the applicant will be designated as a temporary subgrantee, how far along in the eligibility process do you have to be to apply?
- A. Let us know your current status, provide information about the parent organization and new corporation, let us know what you have done so far, and that you are awaiting IRS letter. The new corporation would have to be funded before entering into a contract with DHCR. Additional information may be provided in response to this question.
- Q. Has guidance been issued by DOE regarding whether or not housing authority properties are eligible for funding under ARRA?
- A. Units owned by housing authorities are eligible for WAP assistance.
- Q. How will Davis-Bacon monitoring work?
- A. All Davis-Bacon compliance activities including monitoring are subject to the U.S. Department of Labor regulations for Davis Bacon. Information can be found at the U.S. Department of Labor's web site at www.dol.gov.
- Q. On a project that consists of multiple buildings, does income eligibility apply to the project or to specific buildings? Does each building have to meet the 50% rule?
- A. In order to meet income eligibility, each building has to meet 51% eligibility for work to be done in that building.
- Q. If you are not able to do an energy audit for each building before applying, can you base your cost request on an estimate?
- A. Yes, but we would want to know what went into that estimate, what experience you have in doing estimating and what type of assumptions were made about the work.
- Q. Is it allowable to identify properties in advance that will receive weatherization?
- A. Yes. It is allowable to identify prospective properties in advance. It is important to be clear on how properties were selected.
- Q. If a member of an organizational team has another interest in a preselected property, is this allowable?

- A. This is something that would have to be identified in the proposal. The regions work closely with agencies to ensure that proper procurement and rules are adhered to. Additional DHCR oversight is required when a subgrantee, or one of its team members, has an interest in a building that is to be assisted. Such disclosure and additional oversight protects the subgrantee and DHCR to ensure that all requirements are met.
- Q. Can you submit a proposal without preselecting properties?
- A. Yes. DHCR is more interested in the process for selection. You do not have to preselect.
- Q. How are buildings verified to show that the building meets the 51% income threshold?
- A. Procedures for verification are outlined in the Policy and Procedures Manual. There also needs to be some third party verification of incomes.
- Q. Must the income verification process be completed before work can begin on a building?
- A. Yes. Eligibility of the entire building must be established before any work can begin.
- Q. Section 4.9 refers to Exhibit 2. Where is this located?
- A. When you open the spreadsheet you will notice that there are two tabs at the bottom of the page, both in the same spreadsheet file. Exhibit 2 is the second tab.
- Q. Are there any specific certifications required for people doing energy audits?
- A. DHCR is phasing in a requirement for BPI certification for auditors which will not be in full effect at the application deadline. In the meantime, it is recommended that you provide the skills, qualifications and certifications for the proposed energy auditor.
- Q. If an organization does not have specific weatherization experience, is related experience under another DHCR program such as CDBG or HOME acceptable?
- A. An organization that does not have weatherization experience must demonstrate how it plans to hire qualified staff and meet the obligations of a weatherization subgrantee. This information must be specific to energy conservation.
- Q. How does administrative funding work relative to the size of the allocation?
- A. Subgrantees will receive five percent of their allocation in administrative funding. ARRA funding brings with it additional administrative burdens for subgrantees. In order to reduce this burden, DHCR will provide an additional \$50,000 in admin to awardees receiving under \$2.5 million and an additional \$25,000 in admin to awardees receiving more than \$2.5 million. The lesser amount for awardees receiving more than \$2.5 million is due to the over all size of the allocation and the larger initial amounts being received for administrative purposes.

- Q. What are the leveraging requirements?
A. Points will be awarded based on the amount of energy efficiency brought to the table. Energy efficiency can be achieved through a number of different ways, including the scope of work, developer equity or loan funds.
- Q. Can one very large single property (1,000 units or more) be considered a portfolio?
A. Yes.
- Q. Can existing subgrantees apply?
A. Yes.
- Q. Can an organization submit more than one application?
A. Yes.
- Q. When will DHCR receive clarification on the group home issue?
A. Guidelines regarding the weatherization of group homes can be found in Chapter 3 of the Policy and Procedures Manual.
- Q. Since group homes are funded through the NYS Office of Mental Retardation and Development Disabilities is income verification required or is it already taken into account?
A. Individuals residing in group homes must be income eligible. There is specific guidance in the Policy and Procedure Manual that define group home units for purposes of weatherization.
- Q. Do you have to be an existing subgrantee to partner with an organization?
A. No. We are accepting proposals from new and existing subgrantees who meet the criteria outlined in the RFP.
- Q. The Council of Mental Retardation is working with 25 agencies that are interested in providing weatherization to various group homes. Would these agencies be considered partners within the scope of the RFP or would each proposal be looked at separately?
A. It is difficult to answer without knowing the specific roles of the 25 agencies identified. The RFP outlines the structure and scope of what DHCR will be looking for in the application. A careful review of the application and the role of the agencies will be helpful in identifying the structure of the proposal.
- Q. If an organization has maintenance crews that do leveraged work, do they have to be paid prevailing wage.
A. Yes.
- Q. Once DHCR makes decisions on funding grant proposals what is the timeline and next step?

- A. Application submissions are due by September 3. It is expected that grant awards will be announced in October, 2009 and that awardees will be under contract by January, 2010.
- Q. If an organization purchases TIPS energy audit software as part of its building evaluation process, what is the status of this software once the grant is done?
- A. The TIPS energy software will have little value to anyone not doing weatherization work. DHCR does not believe there will be any issues related to licensing or usage.
- Q. If an organization purchases tools and equipment as part of its budget, what happens to the equipment when the grant is done?
- A. Usable tools and equipment must be returned to DHCR once an organization is no longer a subgrantee.
- Q. On page 14, the RFP references a “team approach”, including a scenario where the applicant decides to use contract services from another organization. Does this mean that procurement procedures (i.e. bidding processes) do not necessarily apply to temporary sub-grantees when contracting for weatherization work? In other words, can the RFP include a scenario where the applicant has already decided to use a specific contractor, thus constituting a “team”? Or do they have to go through a bidding process to determine a sub-contractor?
- A. No. All subgrantees are subject to the procurement process for subcontractors outlined in the Policies and Procedures Manual.
- Q. Are WAP temporary sub-grantees allowed to contract directly with building owners to get weatherization work done, or is this prohibited? In other words, must weatherization contractors always be used, or is there a scenario that government funding goes directly from the sub-grantees to a building?
- A. All subcontracts for WAP work is subject to the procurement rules. DHCR is required to ensure that all weatherization work has been procured in a manner to secure the lowest responsible price for such work. Subgrantees cannot provide “grants/funds” to building owners to complete the work themselves. Instead, the subgrantee’s role is to complete the work themselves through staff labor, or to procure such work to be completed by a subcontractor through the approved procurement process.
- Q. If a partner agency is responsible for all purchasing and procurement of subcontractors, is the partner required to adhere to the procurement guidelines laid out in the Policy and Procedures Manual?
- A. Yes.
- Q. Must a partner be a not-for-profit organization?
- A. Yes. A private for-profit entity that has a role in a proposal would be considered a sub-contractor and subject to procurement guidelines.

- Q. Can WAP assistance be structured as a 0% interest forgivable loan provided wither to a selected partner or to the building owner? If this is acceptable, would this have any impact on the procurement requirements that the partner must follow?
- A. Weatherization Assistance is typically structured as a grant. We are evaluating this issue but recommend that, for the purposes of this RFP, applicants assume that assistance will be provided as a grant.
- Q. Does DHCR's protocol for procurement correlate to the requirements in General Municipal Law, Section 103?
- A. We recommend that your counsel review the procurement requirements in the Policies and Procedures Manual to see how it corresponds to Section 103.
- Q. If an applicant for the Temporary Subgrantee Program is proposing to work with an auditor, who is currently not a weatherization subgrantee (e.g. they are currently qualified by NYSERDA and not WAP) what is the process for getting them approved? What is the quality assurance process that they would be subject to? What credentials would they have to submit?
- A. The auditor would have to proficient in using either the EA-QUIP software (version 2.0) or the TREAT software used in the NYSERDA Multifamily Performance Program. The auditor's qualifications and capacity should be discussed in the proposal and will be reviewed by DHCR. If using the TREAT audit, additional analysis (i.e., health and safety testing and evaluation of needed energy-related repairs) is usually required. Please refer to criteria for designation as a self-auditing agency in Chapter 5 of the Policies and Procedures Manual.