

Grants RFP Bidder Question List

March 3, 2023

1. Regarding Appendix A, Section 3.02, Subcontracting: Will the vendor be required to obtain Board approval of any subcontractors retained in connection with the RFP?

Proposers are requested to clearly identify any subcontractors or partner firms they would involve in performing the work. Any subcontractors will require prior approval and review by the New York City Water Board (the “Board”) and the New York City Department of Environmental Protection (“DEP”) prior to commencing work.

2. Can the Board clarify if the "monitor and report on portfolio of active DEP grants" referenced in the scope of work on page 58 of the RFP would include awards currently active or expected to be received shortly by DEP, or if it is only related to awards identified by the selected vendor from this RFP? If the former, could the Board provide details of the volume/types of currently active and anticipated awards?

It is anticipated that the monitoring and reporting workstreams will be focused on grants the Consultant is involved in obtaining. However, the Scope of Work does not preclude the Board or DEP from engaging the Consultant to provide monitoring and reporting services in connection with grants previously obtained, or that the Consultant was not involved in obtaining.

3. Please describe any in-house grant administrative units the selected vendor would be asked to collaborate with.

DEP has an internal unit that is involved with grant applications and administration. It is expected that the unit’s time will be focused on existing grant initiatives. DEP is experiencing similar staffing shortages to other City agencies, and internal capacity is stretched across many DEP departments and bureaus.

4. What financial management systems (such as SAP Business Objects or similar) are already in place to monitor grant budgets and expenses?

DEP is part of New York City’s budget system and utilizes the City’s central Financial Management System (“FMS”) for budgeting and accounting purposes. It is not anticipated that the selected firm(s) will need to use FMS in connection with the Scope of Work.

5. What period of time does the maximum compensation of \$5,000,000 apply to: the initial two-year term of the agreement, or the initial term plus the two one-year extension options?

The \$5,000,000 figure is the total compensation currently authorized under the agreement, including the initial term and any years included in the option periods. Additional funding would require approval by the Water Board’s voting membership in a public meeting.

6. What percentage of the work will be in-person versus remote? For on-site work, will space be made available to accommodate team staff working on-site at DEP to support application development and other activities?

It is expected that the selected Consultant will have personnel routinely on-site at the Board and DEP. If travel expenses are a concern, firms are encouraged to consider utilizing staff already located in the greater New York City metropolitan area. The detailed work allocation between in-person and remote work will depend on the details of the proposer's approach to the project and the final legal documentation of the agreement.

7. Is there an incumbent vendor at DEP who has done this work?

DEP does not have an incumbent vendor performing work in this area.

8. Would the awardee be precluded from performing any services (e.g., cybersecurity services) for DEP or the Board that are funded, in whole or in part, by one or more grant awards resulting from the awardee's grants identification, selection, application, and/or administration and monitoring activities pursuant to this contract?

Federal rules generally state that contractors and firms that assist a grant applicant in preparing Federal grant application materials are prohibited from seeking to subsequently perform the work that would be funded using the Federal grant funds. For example, if a firm assists in writing or structuring a Federal grant application, that firm would then in most instances be prohibited from receiving a portion of the Federal grant funds obtained by the application, whether as a consultant, engineer, administrator, or other role. The prohibition is usually interpreted broadly, and is typically understood to include restricting subsequent participation in any activity the grant funds would be used for, including engineering design work, construction work, as well as administrative activities such as grant administration and grant management during the post-award phase. Certain Federal grant makers, such as FEMA, interpret the restriction to apply to former employees, restricting the ability of such employees to participate in activities such as grant management or performing the activities funded by the grant, in instances where the former employees were involved in writing or designing the grant application materials used to obtain the funds.

Prospective bidders should consult their legal counsel in order to understand how Federal regulations might restrict subsequent business activity, in particular with respect to the provisions of Title 2 of the Code of Federal Regulations, as well as applicable state and local law.

Proposers who submit a proposal in response to this Request for Proposals are representing to the Board and DEP that they understand their involvement in assisting the Board and DEP in obtaining Federal funds may restrict their ability to participate in procurements and business opportunities that are funded with the grant monies obtained through the work contemplated under this RFP.

9. We recognize the results of task A may impact the scope of Tasks B and C; however, the level of effort required for Tasks B and C could vary greatly based on the number of grants, the awarding agency, and the proposed dollar value of grants pursued and won by DEP/the Board. To assist in scoping the number of hours for Tasks B and C, can DEP/the Board provide baseline estimates for:

- a. The number, awarding entity (i.e. federal agency or state agency), and approximate dollar value of all Grant Applications that DEP/the Board would like the Bidder to assume for the scope of Task B.

The number of awarded entities and dollar value of the contracts will depend on the amount of Federal funding DEP receives and the types of eligible work. Estimates for the available dollars available under a focused effort range from \$50 million to more than \$100 million. The Board and DEP would anticipate that the consultant should be able to obtain at least 4-8 grants with aggregate funding in that range.

- b. The number of grants and approximate dollar value of grants contained in the “portfolio of active DEP Grants” that DEP/the Board would like the Bidder to assume for the scope of Task C. Indicate if these grants are expected to be from federal or state granting entities. If any existing grants are included in this portfolio, please provide information on existing grants in the portfolio.

Proposers should anticipate that substantially most of the work will involve newly originated grants.

10. DEP and the Board indicate that success of the engagement “will be determined based on an evaluation of the dollar amount of additional grant funds obtained compared to the expenditures made by the Board in the course of paying the consultant to obtain and administer the grant funding.” Can DEP/the Board please provide the current dollar amount of grant funding? Does DEP/the Board have a target ratio that it will consider successful?

The Board and DEP would consider several measures of success. Obtaining grant funds in excess of the cost of the consulting fees would be one metric. Obtaining a single, particularly impactful grant – such as a grant that could dramatically add to the agency’s energy efficiency or cyber-security measures – would also be judged as successful on a standalone basis. Proposers should prepare their evaluation materials on the basis that the Board and DEP would seek to obtain Federal grants in an amount that is at a minimum several times the amount of the cost of the consulting services.

11. For M/WBE participation credits, is the City or State M/WBE certification required at the point of proposal submission or is a Federal certification with a pending City or State M/WBE certification acceptable for the participation to qualify for the credits?

The Board and DEP intend to evaluate M/WBE involvement based on both a valid M/WBE certification from a governmental issuer, as well as the significance of the role. A pending certification may be acceptable, but would depend on a specific determination from the Board as part of its evaluation of the proposal materials.

12. Do the Board or DEP maintain any databases or lists of preferred or certified vendors?

Several firms have contacted the Board to identify themselves as M/WBE firms identified in participating in the RFP. The list of firms is available upon request using the contact information provided in the RFP. This is not a preferred list, simply a list of firms that have expressed interest in working on the project, and the Board and DEP cannot make any representation with respect to whether the firms have M/WBE certification, or as to their capabilities.

13. Can you please confirm that the Board would be willing to discuss such alternative provisions (including a reasonable limitation of liability) in the event that it is selected for this work?

The Board and DEP will look at any requested changes to the form of agreement. The Board and DEP intend to enter into negotiations and consider changes to the form of agreement only with the firm(s) with the highest combined score, based on technical score, price, and any M/WBE price adjustment, at which time potential changes to the form of agreement would be assessed.

14. What portion of the work (i.e., how much time) does DEP envision a consultant spending on each task? I.e., over the life of the contract term, will there be a greater emphasis placed on Opportunity Identification and Selection; Grant Application and Funding; or Grant Administration and Monitoring?

The preliminary estimate of the Board and DEP is that opportunity identification and selection will account for 20% of the time, application writing and compiling related materials will account for 60% of the time, and administration and monitoring during the post-award phase will account for the remaining 20% of the time. Proposers are free to suggest other time allocations as they see fit.

15. How many subrecipients does the Water Board expect will require grant monitoring (e.g. through the Lead Service Line Replacement Program (LSLRP)) or to neighboring counties)?

The Lead Service Line Replacement Program is being managed by DEP's in-house administrative and operating staff and are not part of this RFP process.

16. Would the Water Board be interested in the use of automation and technology to support any of the grants management related services listed within the scope of work?

The RFP is focused on purchasing consulting services, and the contemplated scope does not include software or technology purchases.

17. Does the Water Board anticipate there being a need for the consultant to conduct site visits for any of the tasks listed within the scope of works? If so, how often?

A small number of site visits may be required.

18. Would the Water Board require the vendor to Stamp/Seal any engineering and environmental reports and associated cost estimates, or would the Water Board maintain technical responsibility as the final reviewer and approver?

It is not anticipated that the selected consultant will be required to sign or stamp engineering documents or engineering cost estimates.

19. How much additional funding does the Water Board anticipate receiving from the Federal Infrastructure Investment and Jobs Act (IIJA), Federal Inflation Reduction Act (IRA), increased allocations to the State Revolving Fund (SRF) program, as well as funds available through an energy

efficiency-focused or other type of Conservation Block Grant Program, Rebuilding American Infrastructure Sustainably and Equitably (RAISE) grants, the Energy Efficiency Revolving Loan Fund Capitalization Grant Program, funds available through Hydroelectric Efficiency Improvement Incentives, or from funds made available through or by the Cybersecurity and Infrastructure Security Agency?

DEP and the Board have preliminary estimates of the available funding, with estimates ranging from \$50 million to more than \$100 million. Depending on the consultant's progress with identifying grant funding sources, dollars in excess of this amount may be identifiable.

20. Has the Water Board and/or DEP identified specific needs and/or projects, or will that be the Consultant's responsibility to identify and prioritize projects in addition to funding sources?

Cyber-security, energy efficiency including biofuels, funding for hydroelectric assets, clean vehicles, funding for managing stormwater runoff, and funds for maintaining water quality and addressing emerging categories of measuring water quality are four areas the Board and DEP are especially interested in. The Board and DEP expect that the Consultant will provide advice on prioritizing scarce time and resources in terms of which grants or which funding sources to focus on.

21. Are there any current plans and/or feasibility studies in place by the Water Board and/or DEP that will be used to support the Scope of Work?

DEP is undertaking a strategic review of the agency that is expected to provide some guidance

22. Does the Water Board and/or DEP already have project engineers or consultant engineers on staff to assist with project technical development and grant applications, or will the consultant be expected to provide these resources?

Proposers should bid in the way that they believe best positions their firm. DEP has an engineering team, although the agency is currently challenged by a large number of staffing vacancies. To the extent that bidders are not able to provide their own technical or engineering reports, it may be necessary to rely on third party advisors, or subcontractors.

23. What expertise is being requested in the area of benefit-cost analysis? Is the scope of expertise requested anticipated to be different between the Federal and State sources, such as State revolving funds?

Benefit-Cost Analyses (BCAs) is a quantitative method used to determine the future risk reduction of a project compared to its costs. As such, the level of expertise may vary based on the type of project that is being developed for the Board and DEP, such as wastewater, water supply, energy, cybersecurity, etc.

24. Are bidders allowed to bid on a specific piece of the project, such as benefit-cost analysis, without bidding on the entire project?

DEP and the Board have the option of selecting multiple firms to perform different pieces of the project. However, it is likely that firms that provide a comprehensive bid, covering all aspects of the Scope of Work, whether performed by one firm or a group of firms, will be viewed most favorably.

25. Is there a preference for firms that would be able to provide implementation services post-grant award, in addition to working on the grant application screening and development work?

The evaluation criteria focus on the proposer's ability to perform the Scope of Work in the RFP. Implementation and follow-on work at not part of the evaluation criteria.

26. Will the vendor be required to prepare or review Grant Applications and/or Administer and Monitor grants related to the FEMA Public Assistance program, FEMA Hazard Mitigation Assistance programs, and/or CDBG-DR programs?

Yes. It is also anticipated that energy efficiency and biofuel Conservation Block Grants may be of interest to the Board and DEP, as well as other categories of funding.