

**NYS Department of State
Office of Planning, Development & Community Infrastructure
Smart Growth Implementation Toolkit and Technical Assistance Program Development RFP
RFP #24-OPD-31**

The responses to questions included herein are official responses by the Department of State (DOS) to questions submitted by potential proposers and are hereby incorporated into the Request for Proposals RFP # 24-OPD-31 issued on November 13, 2024. In the event of any conflict between the Request for Proposals and these responses, the requirements or information contained in these responses will prevail.

Section 7.1.12 Contractor's Insurance Requirements, paragraph 6 is hereby amended to read:

Each insurance carrier must be rated at least "A-" Class "VII" in the most recently published Best's Insurance Report. If, during the term of the policy, a carrier's rating falls below "A-" Class "VII", the insurance must be replaced no later than the renewal date of the policy with an insurer acceptable to the State and rated at least "A-" Class "VII" in the most recently published Best's Insurance Report.

Section 7.1.12 Contractor's Insurance Requirements, paragraph 8 is hereby amended to read:

Not less than ten (10) days prior to the expiration date or renewal date, the Contractor shall supply DOS updated replacement Certificates of Insurance, and amendatory endorsements.

Section 7.1.12(3) is hereby deleted and the sections following are re-numbered (3), (4) and (5).

Section 7.1.12(4)(a) is hereby amended to read:

(a) Such insurance shall apply to professional errors, acts, or omissions arising out of the scope of services covered by this Contract.

Attachment 13, Sample Contract, Article IV, 4.5 is hereby amended to read:

4.5 Each insurance carrier must be rated at least "A-" Class "VII" in the most recently published Best's Insurance Report. If, during the term of the policy, a carrier's rating falls below "A- Class "VII", the insurance must be replaced no later than the renewal date of the policy with an insurer acceptable to the Department and rated at least "A-" Class "VII" in the most recently published Best's Insurance Report.

Attachment 13, Sample Contract, Article IV, 4.7 is hereby amended to read:

Not less than ten (10) days prior to the expiration date or renewal date, the CONTRACTOR shall supply the Department updated replacement Certificates of Insurance, and amendatory endorsements.

Attachment 13, Sample Contract, Article XI, 11.2 is hereby amended to read:

11.2 Neither party shall be liable for losses, defaults, or damages under this AGREEMENT which result from delays in performing, or the inability to perform, all or any of the obligations or responsibilities imposed upon either party pursuant to the terms and conditions of this AGREEMENT, due to or because of acts of God, the public enemy; earthquake, floods, typhoons, civil strife, epidemic or pandemic, force or any other cause beyond the reasonable control of the party that was so delayed in performing or so unable to perform, provided that such party was not negligent and shall have used reasonable efforts to avoid and overcome such cause. Such party shall resume full performance of such obligations and responsibilities promptly upon removal of any such cause.

Attachment 13, Sample Contract, Article XIV, 14.6 is hereby amended to read:

14.6 Force Majeure: The STATE may terminate or suspend its performance under the AGREEMENT immediately upon the occurrence of a "force majeure." For purposes of the AGREEMENT, "force majeure" shall include, but not be limited to, natural disasters, war, rebellion, insurrection, riot, strikes, lockout, epidemic or pandemic and any unforeseen circumstances and acts beyond the control of the STATE which render the performance of its obligations impossible.

Questions and Answers

Q1.

- **What is the anticipated budget for this opportunity?**
- **Is it possible to know the budget range for this RFP?**
- **Can the Department provide what portion of the \$3,000,000 USEPA Climate Pollution Reduction Grant Program funds have been allocated for the consulting services requested?**

A1. As this is a competitive procurement that includes an evaluation of costs, we cannot disclose the funding amount allocated to this project.

Q2. Would DOS consider extending the deadline by two weeks given the timing with upcoming holidays?

A2. DOS is unable to extend this deadline as DOS will need to comply with all EPA deadlines and is looking to ensure that the selected contractor have sufficient time to complete the project.

Q3. Since this is an EPA-funded project, will preparing a QAPP be a requirement?

A3. New York State has received an approved QAPP of the CPRG grant. The terms and conditions of the QAPP for the CPRG grant allow for DOS to use it for this project.

Q4. To ensure alignment, could you share information on the measurement tools and methodologies being used to quantify emissions reductions and co-benefits for the CCAP? Additionally, do you have timelines for when those projections will be completed and available for review?

A4. The measurement tools and methodologies for the CCAP are still being refined, and there is currently no publicly available timeline for finalizing those methodologies. Contractors should consult GHG emissions studies completed by partner state agencies, including the Department of Environmental Conservation and NYSERDA. These include inventories, integration analyses, and methodologies associated with the Climate Leadership and Community Protection Act and the Climate Action Council's Scoping Plan.

Q5. Could you clarify what DOS means by “typologies”? Would it be possible to provide more illustrative examples, particularly regarding scale and context?

A5. DOS is looking to develop strategies and tools that may be more appropriate for different scales and types of development. For example, one typology may be a hamlet that is characterized by a clustering of homes and a few small-scale commercial or institutional uses at the intersection of two important roads, but it otherwise surrounded by most undeveloped land. Another example may be a downtown, found in a single municipality or neighborhood of a larger municipality and consists of a mix of uses, public spaces, and are generally walkable.

Q6. Could you outline the specific contract administration and grant administration requirements for this project?

A6. The specific contract administration and grant administration requirements can be found in the Request for Proposals RFP #24-OPD-31 dated November 18, 2024, and its accompanying attachments and appendices.

Q7. For the 3M allocation, how much funding is designated for toolkit development versus program implementation? Will any portion of the funding be allocated directly to communities or municipalities?

A7. The funds will be allocated to the contractors to perform the activities outlined in the RFP. There is no pre-determined suballocation for what percentage or how much should be allocated to toolkit development versus program implementation.

Q8.

- **Does DOS have an expected timeframe for each of the Components? It's a roughly 2 year contract from August 2025 to August 2027, so shall we assume one year for Component 1 and one year for Component 2?**
- **What is the expected distribution of time between Components 1, 2 and 3?**
- **Is there a particular timeline and/or dates that DOS has in mind for Component 2?**

A8. DOS anticipated Component 1 requiring approximately 13 months, Component 2 requiring 8 months, and Component 3 requiring 3 months. However, it is encouraged that contractors seek ways to overlap the components and tasks to the extent practicable. The timeframes are estimates, but proposers are encouraged to propose their own timeframes in their responses based on their professional expertise.

Q9. (page 17. 3. Eligible Costs) states: " Costs should anticipate one in-person meeting for two staff to Albany, New York." Is this the only in-person client meeting that DOS expects throughout the 2 year project timeline?

A9. Yes, this is the only anticipated in-person meeting expected in Albany, NY for the 2-year project timeline.

Q10. Is the GHG emissions tool expected to be independent and based on the ten smart growth principles outlined by NYS DOS? or is expected to build on/add on to the existing EPA tool examples provided in the RFP?

A10. The GHG emissions tool should be grounded in the ten Smart Growth principles outlined by DOS, and it should incorporate best practices and tools created by other providers, as applicable. It is expected that the selected contractor will build on and add to existing tools, create new ones, or adapt tools to be appropriate for the Toolkit.

Q11. Can the Department identify priority typologies that should be included to align with program goals?

A11. There are no identified priority typologies at this point. The purpose of this task is to develop a set of development typologies which could capture different types of places across the state. The goal is for a municipality to be able to identify relevant typology(ies) for the community and employ the most appropriate Smart Growth strategies and tools to assess GHG emissions reductions for that typology.