

**REQUEST FOR PROPOSALS**  
**2016 MWBE Disparity Study RFP**  
**Questions and Answers**

**Question:**

1. Will the prime contractor need to select MWBE NY certified subcontractors?

**Answer:** Please refer to Section 4.3.A of the RFP.

**Question:**

2. RFP Section IV indicates that there are three main sections to the Proposal: Technical Proposal (RFP item 4.1, p. 25), Cost Proposal (RFP item 4.2, p. 28) and Administrative Proposal (RFP item 4.3, p. 29). Item 4.2 indicates that Appendix B (budget document) should appear in the Cost Proposal (p. 28) and Item 4.3 indicates that Appendix B should also appear in the Administrative Proposal (p. 29). Is this correct?

**Answer:** Appendix B need only be included as part of the Cost Proposal.

**Question:**

3. RFP sub-item 4.1D “Work Plan” (p. 25) stipulates an MWBE participation rate of 23% of the total contract value. However, sub-item 4.3A (p. 29) states that ESD has established an overall goal of 20% for MWBE participation. Please clarify.

**Answer:** The applicable goal for utilization of NYS certified MWBE firms is 23%.

**Question:**

4. The Request for Information (RFI) published by ESD in August 2013, Item 4.1 “Company Demographics,” requested whether respondent was a certified woman-owned business in a state other than New York. Will work performed by a woman-owned business certified in a state other than New York qualify towards meeting the MWBE goal for this contract?

**Answer:** No, only work performed by NYS certified MWBE firms may be counted towards achieving the goal for utilization of NYS certified MWBE firms.

**Question:**

5. Regarding RFP Appendix J:

- a. Both the Insurance Fund and the State Insurance Fund are listed. Are these the same agency or different agencies?
- b. The Unified Court System is included in the list of agencies but the State Assembly is not. Please confirm that Article 15-A applies to the Executive branch and the Judicial branch of state government but not the Legislative branch.
- c. It is unclear why the New York City School Construction Authority qualifies as a state authority under Article 15-A rather than a local authority. Please clarify.
- d. It is unclear why the Capital District Transportation Authority qualifies as a state authority under Article 15-A rather than a local authority. Please clarify.

**Answer:**

- a. The “Insurance Fund” and “State Insurance Fund” are the same entity (the “State Insurance Fund”)
- b. Neither the judicial branch nor the legislature are state agencies under Article 15-A of the Executive Law.
- c. The New York City School Construction Authority is a local authority and is not subject to Article 15-A of the Executive Law.
- d. The Capital District Transport Authority is a State Authority.

**Question:**

6. In the Request for Information (RFI) published by ESD in August 2013, the State expressed concern that just 39 agencies were directly included in the 2010 Disparity Study, despite that these agencies accounted for roughly 93 percent of all State contract dollars and 62 percent of all contracts during the study period. For cost proposal purposes, it is important to know if the State anticipates requiring that the contracts from each of the 95 agencies be directly included in the Study, or if the choice of an appropriate contract sample will be left to the judgment of the selected consultant, in consultation with the State. Please clarify.

**Answer:** A Respondent's work plan may propose an appropriate contract sample, as described in Section 4.1.D of the RFP, so long as the proposed sampling method will provide the robust assessment of any ongoing disparity, should such disparity persist, in participation in State contracting by MWBE firms necessary to support a remedial program under the legal standard described in Section 1.0 of the RFP.

**Question:**

7. Please describe, in as much detail as possible:

- a. The prime contract/purchase order information (RFP, pp. 4-15), if any, available for the period from April 1, 2010 to March 31, 2015 from the:
  - o State Central Accounting System ("CAS").
  - o State Financial System ("SFS").
  - o Public Authorities Reporting Information System ("PARIS").
  - o New York State Contracting System ("NYSCS").
  - o "Other state records management systems" (RFP p. 7)
- b. The subcontract, subconsultant and supplier information (RFP, pp. 4-15), if any, available from April 1, 2010 to March 31, 2015 from the:
  - i. State Central Accounting System ("CAS").
  - ii. State Financial System ("SFS").
  - iii. Public Authorities Reporting Information System ("PARIS").
  - iv. New York State Contracting System ("NYSCS").
  - v. "Other state records management systems" (RFP p. 7)
- c. The MWBE and Non-MWBE information (RFP, pp. 4-15), if any, available from April 1, 2010 to March 31, 2015 from the:
  - i. State Central Accounting System ("CAS").
  - ii. State Financial System ("SFS").
  - iii. Public Authorities Reporting Information System ("PARIS").
  - iv. New York State Contracting System ("NYSCS").
  - v. "Other state records management systems" (RFP p. 7)
- d. The Workforce (RFP pp. 5-11, 13), race, gender and EEO information (including information on non-minorities), if any, available from April 1, 2010 to March 31, 2015 from the:
  - i. State Central Accounting System ("CAS").
  - ii. State Financial System ("SFS").
  - iii. Public Authorities Reporting Information System ("PARIS").
  - iv. New York State Contracting System ("NYSCS").
  - v. "Other state records management systems" (RFP p. 7)
- e. The Management Level Body (RFP pp. 9-11, 14), including board of director, race, gender and EEO information (including information on nonminorities), if any, available from April 1, 2010 to March 31, 2015 from the:
  - i. State Central Accounting System ("CAS").
  - ii. State Financial System ("SFS").
  - iii. Public Authorities Reporting Information System ("PARIS").
  - iv. New York State Contracting System ("NYSCS").
  - v. "Other state records management systems" (RFP p. 7)

- f. The Senior Executive Officer race (RFP pp. 9-11, 14), gender and EEO information (including information on nonminorities), if any, available from April 1, 2010 to March 31, 2015 from the:
- i. State Central Accounting System (“CAS”).
  - ii. State Financial System (“SFS”).
  - iii. Public Authorities Reporting Information System (“PARIS”).
  - iv. New York State Contracting System (“NYSCS”).
  - v. “Other state records management systems” (RFP p. 7)

**Answer:** As noted in the RFP (page 6), State Central Accounting System (“CAS”) contains data from April 1, 2010, through March 31, 2012, with SFS replacing CAS on April 1, 2012. CAS contains information on Executive Agencies, not most authorities. CAS contains information on prime contractors, with little, if any, subcontractor information. To the extent that such information was entered by the agencies, CAS may identify a prime contractor as an MBE or WBE. This system does not contain information on workforce, race, gender, EEO, management level bodies or senior executive officers. CAS does include originating agency, contractor name, address, Federal ID number, and contract specifications (i.e., contract amount, contract number, start date, end date, expended amounts, and purpose).

State Financial System (“SFS”) contains information on Executive Agencies, not most authorities, from April 1, 2012 and forward. Similar to CAS, SFS contains information on prime contractors, with little, if any, subcontractor information. To the extent that such information was provided by the vendor, SFS may identify a prime contractor as an MBE or WBE and may include an SIC code. This system does not contain information on workforce, race, gender, EEO, management level bodies or senior executive officers. SFS does include originating agency, contractor name, address, Federal ID number, unique NYS vendor ID number, and contract specifications (i.e., contract amount, contract number, start date, end date, expended amounts, and purpose).

Public Authorities Reporting Information System (“PARIS”) contains information on many of the public authorities beginning January 1, 2012 or April 1, 2012 (depending on the authority’s fiscal year). The authorities included in PARIS are:

Albany County Airport Authority  
Albany Port District Commission  
Battery Park City Authority  
Bridge Authority  
Capital District Transportation Authority  
Cayuga County Water & Sewer Authority  
Dormitory Authority  
Empire Center at the Egg (Empire State Performing Arts Center Corporation)  
Energy Research and Development Authority  
Housing Finance Agency  
Hudson River Park Trust  
Hudson River/Black River Regulating District  
Livingston County Water & Sewer Authority  
Long Island Power Authority  
Metropolitan Transportation Authority  
Mortgage Agency, State of New York  
Natural Heritage Trust  
New York City School Construction Authority  
Niagara Falls Water Authority  
Niagara Falls Water Board  
Niagara Frontier Transportation Authority  
Olympic Regional Development Authority

Port of Oswego Authority  
Power Authority  
Roosevelt Island Operating Corporation  
Schenectady Metroplex Development Authority  
Thruway Authority  
Upper Mohawk Valley Memorial Auditorium  
Upper Mohawk Valley Regional Water Board  
Upper Mohawk Valley Regional Water Finance Authority  
Urban Development Corp (a/k/a Empire State Development Corp)

PARIS may identify a prime contractor as an MBE or WBE, but does not include SIC codes. This system does not contain information on workforce, race, gender, EEO, management level bodies or senior executive officers. PARIS identifies information by reporting authority, contractor name, address, and contract specifications (i.e., contract amount, transaction number, start date, end date, expended amounts, and description).

New York State Contracting System (“NYSCS”) contains information on most agencies and authorities beginning in early 2013. The State’s goal is to have all agencies and authorities using the system within the next 4 to 8 months. NYSCS contains information on prime contractors and MWBE subcontractors. This system does not contain information on workforce, race, gender, EEO, management level bodies or senior executive officers. NYSCS does include originating agency/authority, prime contractor name, address, contract specifications (i.e., contract amount, contract number, start date, end date, expended amounts, MWBE goals, and purpose). It also contains MWBE subcontract information including company name, address, amount spend, and work category.

There are a variety of other systems used statewide and at individual agencies and authorities that may provide useful data for the disparity study:

- For payment and contract information not included in PARIS, individual authorities maintain their own financial/contract management systems that may be made available to the selected Disparity Study contractor.
- For MBWE contracting information not included in the NYSCS, ESD’s legacy system includes information dating back to April 1, 2010.
- Workforce information is gathered and maintained at the agency level. This information is submitted by vendors in hard copy or pdf form. See Appendix K forms OCSD-2 and OCSD-3 for a sample of the information provided.

**Question:**

8. Please provide, if possible, sample record layouts for the physical and/or electronic files applicable to the April 1, 2010 to March 31, 2015 time period for:

- a. Prime contracts/purchase orders (RFP pp. 4-15) in the:
  - i. State Central Accounting System (“CAS”).
  - ii. State Financial System (“SFS”).
  - iii. Public Authorities Reporting Information System (“PARIS”).
  - iv. New York State Contracting System (“NYSCS”).
  - v. “Other state records management systems” (RFP p. 7)
- b. Subcontract, subconsultant and supplier subcontracts (RFP pp. 4-15) in the:
  - i. State Central Accounting System (“CAS”).
  - ii. State Financial System (“SFS”).
  - iii. Public Authorities Reporting Information System (“PARIS”).
  - iv. New York State Contracting System (“NYSCS”).

- v. "Other state records management systems" (RFP p. 7)
- c. MWBE and Non-MWBE data (RFP pp. 4-15 files in the:
  - i. State Central Accounting System ("CAS").
  - ii. State Financial System ("SFS").
  - iii. Public Authorities Reporting Information System ("PARIS").
  - iv. New York State Contracting System ("NYSCS").
  - v. "Other state records management systems" (RFP p. 7)
- d. Workforce data (RFP pp. 5-11, 13) in the:
  - i. State Central Accounting System ("CAS").
  - ii. State Financial System ("SFS").
  - iii. Public Authorities Reporting Information System ("PARIS").
  - iv. New York State Contracting System ("NYSCS").
  - v. "Other state records management systems" (RFP p. 7)
- e. Management Level Body data (RFP pp. 9-11, 14) in the:
  - i. State Central Accounting System ("CAS").
  - ii. State Financial System ("SFS").
  - iii. Public Authorities Reporting Information System ("PARIS").
  - iv. New York State Contracting System ("NYSCS").
  - v. "Other state records management systems" (RFP p. 7)
- f. Senior Executive Officer data (RFP pp. 9-11, 14) in the:
  - i. State Central Accounting System ("CAS").
  - ii. State Financial System ("SFS").
  - iii. Public Authorities Reporting Information System ("PARIS").
  - iv. New York State Contracting System ("NYSCS").
  - v. "Other state records management systems" (RFP p. 7)

**Answer:** The layout of records depends on the system used and the data requested, as described in the response to Question 7.

**Question:**

9. Please provide, if possible, sample record layouts for the Personal Net Worth (RFP pp. 5-6, 8, 11-12, 14) files in the NYCS or in CAS, SFS, PARIS, or any "Other state records management systems" (RFP p. 7). Please also indicate the extent to which any of these files also includes data on non-MWBEs.

**Answer:** Since 2010, applicants to be certified as MWBEs have completed forms identifying their Personal Net Worth [See Attachment 1]. These forms may be available in electronic format.

**Question:**

10. The State's 2010 Disparity Study made specific Recommendations to improve the State's procedures for prime contract data collection and retention. Please indicate what, if any, changes have been made since the last Study to:

- a. Ensure Comptroller payment data is able to be linked to contract award data?
- b. Collect and retain contractor and vendor business telephone numbers?
- c. Improve and standardize the tracking of change orders and contract renewals and thereby improve the ability to link changes orders and contract renewals to the original contract?
- d. Increase/improve training and guidance for state contracting and purchasing personnel regarding proper data entry procedures?
- e. Introduce additional/improved controls into the State's financial and contract Management Information Systems to reduce the number of instances where critical data fields (such as Vendor Identification numbers) are populated with dummy information rather than the actual contract information.

**Answer:** Since the 2010 Disparity Study, the State has launched several new systems including SFS, PARIS, and NYSCS that offer improvements on contract data collection and retentions. All three systems provide payment data, award data and contractor/vendor contact information. SFS links amendments/changes orders to the original

contracts with a unique number assigned to each contract and contract change. SFS also assigns a unique number to each vendor so dummy vendor numbers should be reduced or eliminated. Since procuring the NYSCS system through a competitive process, State employees have received training on data entry procedures.

**Question:**

11. The State's 2010 Disparity Study made specific recommendations to improve the State's procedures for subcontract, subconsultant and supplier data collection and retention. Please indicate what, if any, changes have been made since the last Study to improve the State's collection of subcontractor, subconsultant and supplier records both for MWBEs and non-MWBEs.

**Answer:** Since 2010, NYS has placed a high priority on MWBE-related record retention, which includes data reflected in both paper copies and improved electronic data retention. The NYSCS provides improved collection of subcontractor, subconsultant and supplier records for MWBEs.

**Question:**

12. Will the State provide any guidance as to how the geographic regions of the State (RFP pp. 7-14) should be defined for purposes of the Study? For example, ESD divides the State into 10 distinct geographic regions.

**Answer:** The New York Department of Economic Development divides the State into the following regions; Capital Region; Central NY; Finger Lakes; Long Island; Mid- Hudson; Mohawk Valley; New York City; North Country; Southern Tier; and Western NY [See Attachment 2]. The Respondent may, however, propose alternative geographic regions.

**Question:**

13. In RFP item 1.3, sub-item B.1.a.ii, regarding the measurement of MWBE availability, the State has changed the language from "Data may include information such as gross revenues, total annual receipts, total employees, years of experience, or other uniform and relevant measures" in its previous RFP to "Data shall include relevant information impacting capacity such as gross revenues, total annual receipts, total employees, years of experience, required licensure or other uniform and relevant measures." Given the discussion in the State's 2010 Disparity Study (pp. 29-32) regarding the extent to which such measures of "capacity" are tainted by discrimination, please clarify whether "may" or "shall" is intended.

**Answer:** The Respondent shall include information on the capacity of MWBE firms to perform on State contracts such as, but not necessarily, the types of information described in RFP Section 1.3.B.1.a.ii so as to provide a legally defensible disparity study as discussed in Section 1.0 of the RFP.

**Question:**

14. RFP item 1.3, sub-items B.1.b and B.2.b, regarding the Workforce Study, will likely require detailed, privately-held information belonging to State contractors and vendors regarding, for example, their criteria for Management Level Body membership and Senior Executive Office positions. Unlike the contracting study, where the State may require the contractor to produce all or most of relevant information pursuant to the audit authority contained within the contract, it is unclear whether that the State can or has required contractors and vendors to provide access to this information upon demand. Please detail what, if any, measures, the State has taken or will take if necessary in order to assist its selected consultant in obtaining in a timely manner this type of information from a large majority of sampled State contractors and vendors.

**Answer:** The data maintained by New York State that is the subject of the Workforce Study is not adequately robust, and must be supplemented by the successful Respondent through surveying of a sample of contractors.

**Question:**

15. RFP item 1.4, sub-item A.2, in contrast to sub-item A.1 which includes the words "upon request," requires the selected consultant to provide ESD with all "notes, work papers, records and documentation" related to preparation of the final report and that the selected consultant "shall provide [any computerized] database [developed in preparation

of the report] to ESD. Understanding that all of this information would then be subject to a simple FOIL request (as opposed to only having to be turned over to plaintiffs under proper rules of discovery, including relevant protective orders, during the course of litigation), is this in fact the intent of ESD?

**Answer:** ESD believes that the quoted provision of the RFP will have a neutral impact on public access to records through FOIL. Pursuant to Pub. Off. L. § 86, a “record” subject to FOIL includes “any information . . . produced . . . for an agency . . .” regardless of whether the records are in the agency’s possession. Accordingly, any notes, work papers, records and documentation prepared by the Respondent in performance of a contract resulting from this RFP would be subject to FOIL regardless of whether or not the records in questions are in ESD’s possession.

**Question:**

16. Even without the inclusion of the Workforce Study, given the limited extent to which pre-existing data on subcontracts, subconsultants and suppliers, and workforce data on state contracts is available, let alone the likely complete lack of pre-existing data on Management Level Bodies and Senior Executive Officer positions, the roughly 12-month timeline required for delivery of the draft reports for the Disparity Study, the Workforce Study, the PNW study and the policy analysis is very likely too short. Will the State consider providing a more realistic timeline (suggest 18 months minimum) for completion of these draft reports?

**Answer:** The timeline is based on a statutory deadline under Exec. L. § 312-a for the completion of the Disparity Study, and ESD has no intention to extend the deadline at this time.

**Question:**

17. RFP Appendix C (p. C-1) indicates the current mileage reimbursement rate is \$0.36. The current rate is actually \$0.56. Please clarify — is this a typo or is Appendix C out of date?

**Answer:** \$0.36 is a typo. The current rate is \$0.56.

**Question:**

18. Regarding RFP Item 4.4, sub-item F “Interviews,” (RFP pp. 16, 34) our lead staff member/project director/expert witness has a prior commitment that will take him out of the country between June 5th and June 24th. In the event that ESD opts for interviews and wishes to schedule one with [our company] during this period, we would respectfully request to be allowed to make arrangements to use video conferencing or telephone (as suggested at RFP, p. 34) and to, if at all possible, schedule the interview for a morning (EDT) slot to allow for an estimated 6-7 hour (+) time difference.

**Answer:** Interviews may, at ESD’s discretion, be conducted remotely as described in Section 4.4.F.

**Question:**

19. Please provide the estimated budget for the disparity study.

**Answer:** Respondents are required to submit a proposed budget (see Appendix B). The Respondent whose proposal represents the “best value” will be selected, as described in Section 4.4.A.

**Question:**

20. Does the NYS maintain data on proposed subcontractors (M/WBE and non-M/WBE subcontractors) that teamed with unsuccessful prime firms that bid or submitted an RFP as a prime (unsuccessful bidders or proposers)?

If yes, please specify the following:

- a. The format for which the data can be provided (such as Excel, database, text files).
- b. Are the following data fields and records maintained?
  - Unique Vendor ID (such as system generated).
  - FEIN and/or Tax ID.
  - Company Name.
  - Business Owner or Contact Names.
  - Email Address.

- Phone Numbers.
- Fax Numbers.
- Street Address.
- City, State, and ZIP Code.
- Primary lines of business, commodity codes or service codes.
- Business Owner's Race/Ethnicity.
- Business Owner's Gender.

**Answer:** Hard copy and/or electronic data (primarily in pdf form) containing unsuccessful bids is maintained at the individual agencies as part of the original procurement package. This information should include for each prime contractor:

- Company Name.
- Contact Names.
- Email Address.
- Phone Numbers.
- Fax Numbers.
- Street Address.
- City, State, and ZIP Code.

Subcontractor data included in the unsuccessful proposal would vary based on the level of detail requested by the State and provided by the prime.

**Question:**

21. Please explain how non-certified and non-M/WBE subcontractor data are maintained from 2010 to present or the proposed study period.

- Are the data maintained in one department or multiple departments (centralized vs. decentralized)?
- What is the format of the data (such as database/management systems, hard copy files, PDF/scanned documents, Microsoft Excel)?
- Are award/proposed amounts as well as payments made to the subcontractors maintained or tracked?
- Are race/ethnicity and gender classification of the subs maintained or available?
- Are commodity codes, such as NIGP/NAICS (please indicate the number of digits) assigned to the services provided by the sub?
- Is the contract number or identifier that can be linked back to the prime contract maintained?

**Answer:** Data on non-certified and non-M/WBE subcontractor data would be maintained at the individual agency level. The format and level of detail would vary by agency, and at some agencies may be very limited.

**Question:**

22. Please specify if the following types of vendor-related data are maintained.

- Firms that submitted bids, but were not awarded a contract.
- Firms that have registered to do business, but have not provided any services.
- Does NYS maintain the following on vendor-related data?
  - Unique Vendor ID (such as system generated)
  - FEIN and/or Tax ID.
  - Company Name.
  - Business Owner or Contact Names.
  - Email Address.
  - Phone Numbers.
  - Fax Numbers.
  - Street Address.
  - City, State, and ZIP Code.

- Primary lines of business, commodity codes or service codes.
- Business Owner's Race/Ethnicity.
- Business Owner's Gender.

**Answer:** Information on firms who submitted bids, but were not awarded a contract is maintained at individual agencies. There is no statewide vendor registration system. Individual agencies may maintain in-house lists of interested vendors. SFS does include the following information for vendors who currently hold contracts with NYS agencies:

- Unique Vendor ID (such as system generated)
- FEIN and/or Tax ID.
- Company Name.
- Contact Names.
- Email Address.
- Phone Numbers.
- Fax Numbers.
- Street Address.
- City, State, and ZIP Code.

**Question:**

23. As far as vendor-related data, can it be provided in an electronic format such as Microsoft Excel (non-repeating header rows), flat text, or other database sources?

**Answer:** SFS, CAS, PARIS, and NYSCS data can be provided in an electronic format. The specific format was not yet been determined.

**Question:**

24. How are the prime data (includes all business categories) maintained for the entire study period? For instance, are the data maintained in a centralized data management or procurement management system? Is the following information maintained?

- Contract number.
- Purchase order number.
- Vendor ID.
- Prime name.
- Project Description.
- Project Type.
- Facility Name.
- NIGP/NAICS Code. How many digits?
- Award Date.
- Contract Award Amount.
- Payment Amount.
- Project Goal.
- Funding Source.

**Answer:** To varying extents, the following information can be provided through a combination of SFS, CAS, PARIS, NYSCS, and agency level systems

- Contract/Purchase Order number.
- Vendor ID.
- Prime name.
- Project Description.
- Award Date.
- Contract Award Amount.
- Payment Amount.

- h. Project Goal.
- i. Funding Source.

**Question:**

25. Please explain how the race, ethnicity, and gender of business owners for the following business classifications are maintained: prime vendors utilized, registered vendors, and bidders. Is this information maintained on certified and non-certified firms? Please specify for each business classification.

**Answer:** Race, ethnicity, and gender of business owners is only maintained for NYS certified MWBEs. Such information is not maintained for non-certified firms.

**Question:**

26. Are actual bid packages/response to proposal packages submitted by bidders – awarded and unsuccessful – maintained? Are the data available for the entire proposed study period? If this data is available, are there data available on subcontractors that teamed with the unsuccessful prime bidders? If so, what is the format of the data (e.g., contract files, electronic databases)? What is the location of the data?

**Answer:** Yes, actual bid packages for both awarded and unsuccessful bidders are maintained at the individual agencies. Record Retention Law requires that these records be kept for 6 years after the contract end date or last payment, whichever is later. Given this requirement, it is likely that this data will be available for the entire study period. The records may include subcontractor data. Records may be in hard copy or electronic depending on the individual agency's practice.

**Question:**

27.

- a. Section 1.3.2 for the Workforce Study, what data sources does the State of NY maintain?
- b. Section 1.3.2 for the Personal Net Worth Review, what data sources does the State of NY maintain?
- c. Section 1.3.B.1(a) in defining the availability it is requested that it be done by each region of the State. What regions are being requested?
- d. Section 2.3, Submission of Proposals, page 16, says "Submit 5 copies of the proposal...". Please clarify that this includes 1 original and 4 copies for a total of 5 hard copies.
- e. Section 4.1.E states that the MWBE participation goal is 23%, but in 4.3.A it states that it is 20%
- f. Section 4.1 E3 and F3 (pages 27 and 28)-Please clarify the difference between the request for firm references and staff references. Can the same contacts be used for both?
- g. Section 4.3.A does an MWBE prime satisfy the MWBE requirements? Where must the prime be certified?
- h. Appendix C – should travel expenses be included in the Cost Proposal or included with calculations according to the rates in Appendix C? Will those amounts be reimbursed or paid to awardee at those rates as a part of the flat fee?

**Answer:**

- a. Workforce information is gathered and maintained at the agency level. This information is submitted by vendors in hard copy or pdf form. See Appendix K forms OCSD-2 and OCSD-3 for a sample of the information provided.
- b. Personal Net Worth Data for certified MWBEs is maintained in the NYSCS.
- c. The New York Department of Economic Development divides the State into the following regions; Capital Region; Central NY; Finger Lakes; Long Island; Mid- Hudson; Mohawk Valley; New York City; North Country; Southern Tier; and Western NY (See Attachment 2). The Respondent may, however, propose alternative geographic regions.
- d. The proposed submission would comply with Section 2.3.
- e. The applicable goal for utilization of NYS certified MWBE firms is 23%.
- f. A firm reference is a representative of an entity to which the Respondent has provided services relevant to those described in the RFP who can personally describe the quality of services rendered by the Respondent. A

staff reference is a person who can personally describe the quality of services rendered by the specific lead staff who the Respondent proposes to perform on this RFP. A referrer may be used as both a firm reference and a staff reference.

- g. A NYS certified MWBE firm that serves as a prime contractor on a contract may be counted towards the achievement of an MWBE utilization goal to the extent that the prime contractor is responsible for services performed pursuant to the contract.
- h. Travel expenses should be included in the Cost Proposal at the rates described in Appendix C. Reimbursement shall not exceed the rates permitted by the New York State Office of State Comptroller as described in Appendix C.

**Question:**

28. What is the ESD's M/WBE goal for the project? Page 26 of the RFP indicates a 23% M/WBE goal, while page 29 indicates a 20% goal.

**Answer:** The applicable goal for utilization of NYS certified MWBE firms is 23%.

**Question:**

29. Do the four data systems described on pages 6 and 7 of the RFP (CAS, SFS, PARIS and NYSCS) include information on all of the contracts that will be included in the study for the agencies and authorities listed in Appendix J?

**Answer:** Please see the response to Question 7.

**Question:**

30. What is the anticipated Start Date for this project given that the deliverables are due mid-2015?

**Answer:** June of 2014.

**Question:**

31. The RFP states that the time period for the contracting study is through March 31, 2015 (page 7). It also states that the Study must be completed, in draft form, by August 30, 2015. Given that the data to be included may not exist until March of 2015, at which point the consultant would receive it and then need to prepare it and collect missing subcontracting records, five months is an inadequate amount of time to obtain prime level data from the State agencies, evaluate and prepare it for sampling, collect missing data from prime firms, keypunch the data received and prepare it for analyses and draft the report. The final report is due in November of 2015, a much more reasonable time frame to complete the data collection and analysis. Is it acceptable for the draft report to exclude any analyses that will not be completed by August?

**Answer:** The timeline is based on a statutory deadline under Exec. L. § 312-a for the completion of the Disparity Study, and ESD has no intention to extend the deadline at this time.

**Question:**

32. The RFP states on page 26 that the MWBE goal is 23%, and on page 29 that the MWBE goal is 20%. Please clarify.

**Answer:** The applicable goal for utilization of NYS certified MWBE firms is 23%.

**Question:**

33. Form OCSD-1 provides for a goal for MBE participation and a separate goal for WBE participation. Please clarify whether there is a single goal for MBE participation and WBE participation combined, and if there are separate goals, the percentage goal for each group.

**Answer:** ESD anticipates that the successful Respondent will partner or subcontract with one NYS certified MWBE firm. Accordingly, the 23% goal applies to total MWBE utilization, and no separate goals will be established for MBE and WBE participation.

**Question:**

34. Page 27, Section F.1. instructs proposers to include resumes in the Technical proposal under Staff Experience and Qualifications. Is it acceptable for the resumes to be included in an appendix to the Technical proposal?

**Answer:** Yes.

**Question:**

35. Page 28, Section 4.2 states that the Cost proposal, Appendix B, is to be separate from the Technical proposal. How many copies of the Cost proposal are required? Are proposers to also email one copy of the Cost proposal?

**Answer:** You must submit five (5) copies of each section of your proposal. An identical copy of your full proposal, including technical, cost and administrative proposals must be submitted electronically.

**Question:**

36. Section 4.3, Complete Administrative Proposal, instructions list Appendices B, D, E, F, G and K. We understand that Appendix B is to be a separate document. For the remaining appendices required for the Administrative proposal, where are they to be included with the proposal? Should they be included in the Technical proposal or as a separate document? If in the Technical proposal, is it acceptable for them all to be in one appendix called "Administrative Proposal", or should there be an appendix for each form? If they are to be a third separate document, how many hard and electronic copies are required?

**Answer:** Appendices D, E, F, G and K are to be submitted as part of the Administrative Proposal separately from the Technical Proposal. You must include five (5) copies of the Administrative Proposal.

**Question:**

37. If the forms listed under Section 4.3 Complete Administrative Proposal are to be included in the Technical proposal, please further clarify regarding Appendix K. The RFP states on page 25 that no cost information is to be included in the Technical proposal. Appendix K, form OCSD-4, states it is to be included with any proposal and requires entering the dollar value for each MWBE subcontractor. Therefore, this form, with the % and dollar value noted, will communicate total cost information. Please clarify where the forms for Appendix K are to be included with/in the proposal.

**Answer:** Appendix K is to be submitted as part of the Administrative Proposal.

**Question:**

38. Regarding Appendix K, please confirm or correct that for proposers who do meet the MWBE goal, the only forms that are required to be included with the proposal are: OCSD-1, OCSD-2 (for prime and all subs), and OCSD-4. Is this accurate? If not, please clarify.

**Answer:** For Appendix K you must submit forms K-1, K-2, and K-4. Alternatively, if you are requesting a waiver, you must submit form K-5.

**Question:**

39. Regarding Appendix K, OCSD-1, is there an EEO Contract goal for this project?

**Answer:** No.

**Question:**

40. Regarding Appendix G, Form 4, are proposers to include that form with their proposal?

**Answer:** Yes.

**Question:**

41. The RFP states on page 8 that "MWBE data shall include relevant information impacting capacity such as gross revenues, total annual receipts, total employees, years of experience, required licensure or other uniform and relevant measures." Will the State accept a methodology similar to that of the 2010 Disparity Study to meet this requirement? If not, please clarify those elements of the 2010 Disparity Study that must be revised.

**Answer:** ESD will, as part of its assessment of which Respondent would provide "Best Value," consider how well each Respondent's proposed methodology for conducting the Disparity Analysis addresses the components of the Business Study provided for in Section 1.3.B.1.A of the RFP. The methodology ultimately applied to conduct the Business Study will be determined in light of the responses received by ESD.