

**ESD Real Estate and Planning Related Consultants RFQ  
UPDATED Questions and Answers – June 6, 2013**

**All questions were due to [ESDConsultantRFQ@esd.ny.gov](mailto:ESDConsultantRFQ@esd.ny.gov) by May 30, 2013.**

**Question:** Are consultant teams expected to be able to serve all regions in NYS?

**Answer:** No, as this is an RFQ and not an RFP, no specific contract in any region of the State is presently in issue. If and when services are required, ESD will reach out to firms on the pre-qualified list and, if a firm feels that it cannot provide services in a particular case (for any reason, including geographic location), it will not be selected. No adverse inference about the firm would be drawn by ESD in such a case.

**Question:** The RFQ identifies multiple areas of expertise. Would you prefer that each firm respond with their specific area of expertise or team with other firms with complementary skills?

**Answer:** As this is an RFQ and not an RFP, unless you will always be submitting a proposal with this team in response to future contract opportunities, it is recommended that you respond with just your firm's qualifications for your specific area of expertise.

**Question:** Is a sole practitioner firm considered too small to be engaged independently by ESD?

**Answer:** ESD is accepting qualifications from all sized firms – from sole practitioners to multi-disciplinary national companies.

**Question:** Are Canadian firms eligible to submit in response to the RFQ?

**Answer:** Yes

**Question:** Does ESD have a preference for teams that can provide experience and demonstrate qualifications for all ten listed real estate development or planning related practice areas?

**Answer:** ESD has no preference in this matter. Respondents to this RFQ should specify those practice areas for which they believe they are qualified.

**Question:** Is it anticipated that more than one consultant will be selected for each practice area?

**Answer:** Yes

**Question:** In order to respond to this RFQ is it expected that a consultant who is not a MWBE include a MWBE firm on their team so we can meet the 23% participation goal? If so, must we

meet the 23% for each practice area? Is it possible that ESD would assign a MWBE to a firm that is not a MWBE, or assign a firm that is not a MWBE to a MWBE firm?

**Answer:** In responding to the RFQ, firms must acknowledge that they will meet ESD's MWBE goal for future procurement opportunities. It is not required that non-MWBE firms partner with MWBE teams for the RFQ stage and furthermore, unless you will always be submitting a proposal with a team that includes the specific MWBE firm in response to future solicitations, respond with just your firm's qualifications for your area of expertise.

Firms pre-qualified through this RFQ process will be required to meet the then current MWBE participation goal when bidding on real estate development and planning services. If you will not be teaming up with an MWBE for the RFQ stage, you are still encouraged to include in your Response information about your past experiences partnering with MWBEs. Please note that while ESD expects that firms will assemble their own consultant teams as needed for future solicitations, ESD can assist at that time by providing a list of certified MWBE firms for certain practice areas.

**Question:** Does the WBE component need to be a prime contract or does a WBE need to be a subconsultant?

**Answer:** It does not matter, as long as the overall MWBE participation goal is met.

**Question:** Could you please provide definitions for each of the 10 requested services, specifically the first three: land use and zoning analysis; market and financial feasibility studies; and urban design and master planning?

**Answer:** As noted in the RFQ, the specific services for each of the practice areas may vary. The ten areas should be understood to include work typically undertaken in connection with real estate and planning analysis for redevelopment of large properties

**Question:** For certain categories of services desired by ESD, particularly those categories without licensing requirements (i.e. other than engineering, architecture, etc.), professional liability insurance is typically not required and it is very difficult (or impossible) to find insurance coverage. Would ESD be willing to waive this requirement for respondents under this RFQ for whom professional liability insurance is not available?

**Answer:** Yes. Professional liability insurance may be waived for firms or individuals for whom such insurance is not available.

**Question:** As a sole proprietor with no employees and no automobile (use rental cars), I do not currently carry Worker's Compensation & Employer's Liability Insurance, Disability Insurance, or Auto Liability Insurance. Would ESC be willing to waive these insurance requirements as non-applicable?

**Answer:** Please be advised that ESD Insurance Requirements are to the extent applicable. As such, Workers' compensation insurance is not necessary for sole proprietorships. In addition, auto insurance can be waived via a waiver letter stating company does not intend to own or lease a motor vehicle to fulfill its obligations under its agreement.

**Question:** Once firms become selected through the prequalification process, will they be put on a list and required to complete a proposal submission in order to bid for on-call services?

**Answer:** Once firms are placed on ESD's prequalified list they will be contacted to submit proposals on a project by project basis.

**Question:** Will consultant teams be able to exclude themselves from an assignment if a conflict of interest arises?

**Answer:** Yes

**Question:** Will consultant teams be excluded from performing work for an assisted municipality or developer, once the project assignment from ESD is complete?

**Answer:** This will need to be determined on a case by case basis

**Question:** What is the size range of tasks and magnitude of services ESD anticipates?

**Answer:** All sizes. Please consult the RFP page of ESD's website for examples of projects ESD typically undertakes

**Question:** What is the revised date for anticipated beginning of services? (RFQ states on or about June 2013)

**Answer:** Late summer, early fall 2013

**Question:** If I am selected from the prequalified list what terms and conditions will ESD require?

**Answer:** ESD's standard Schedule A for materials and services is available at the bottom of the agency's RFP page (<http://www.esd.ny.gov/corporateinformation/rfps.html>) under the section labeled "Required forms for Vendors"

**Question:** Has there been a prior on-call list of consultants for these services? If so, where can I find this consultant list?

**Answer:** This is the first time ESD has solicited for such a list.

**Question:** What is ESD seeking for # 2 under "Required Information" (page 2 of the RFQ)?

**Answer:** Please provide the following information regarding references:

- Contact Name and Title
- Name of Organization
- Address and website URL
- Phone number and email of contact
- Brief description of scope of work and date completed
- Whether sole consultant or member of a team

ESD is also requesting in this section that respondents provide current rates for relevant staff titles for the practice area(s) that respondents will be providing qualifications for. Any anticipated rate increases should include a new schedule for the new rates. Contract costs for the references you are providing are not required, but may be submitted as you wish.

Respondents should indicate what time period the rate covers, whether any “government” or “favored client” rates apply and any overhead rate. Respondents may provide either an unburdened hourly rate by individual with an overhead multiplier, or an hourly burdened rate by labor category, though in each instance the components of the rate must be specified (e.g. multiplier rate).

Allowable expenses may be found under Schedule A, under “Required forms for Vendors” on ESD’s RFP web page.

**Question:** Is the front and back sides of a sheet of paper considered to be one page or two?

**Answer:** The RFP states on page 2 that submissions are to be one-sided 8.5 x 11 pages

**Question:** Will a submittal using a reader-friendly font and character size comparable to (but not precisely) 12 point type, such as that used in the RFQ or larger, be acceptable?

**Answer:** Respondents are encouraged to use fonts comparable to, if not a precise match of, 12 point type or larger, as specified on page 2 of the RFQ.

**Question:** Please clarify what sections of the RFQ’s Required Information is counted in the 25 and 50 page limitations.

**Answer:** The following items are not included in the page limit:

- Required Procurement Forms
- Section dividers, table of contents, cover letter, and cover

The following items are included in the page limit:

- Everything required under the “Required Information” section on pages 2 and 3 of the RFQ. This includes:
  - Resumes

- Organizational Charts

**Question:** In which section of “Required Information” should the proposing firm highlight relevant project experience (Items #1 and/or # 3)?

**Answer:** Public sector experience should be provided in Items #1 and #3

**Question:** May firms include experience that occurred more than five years ago?

**Answer:** Yes. The five year limitation is applicable only to #3 in the “Required Information” section and pertains to the work you have done for ESD or its subsidiaries. However, when referring to any relevant prior experience (including work with entities other than ESD), please include dates of when the work was performed.

**Question:** Under “Required Information” #4, ESD asks for a description of the relevant qualifications and experience of each key staff who would be responsible for ESD’s matters. Under #7 ESD asks for resumes of primary staff personnel who are anticipated to provide services to ESD. Are resumes needed in both areas?

**Answer:** No, we do not ask for resumes in #4—this information could be provided in narrative form. #7 requires resumes.

**Question:** Items #4 and #7 under “Required Information” in the RFQ request similar information about key staff. May these two items be combined in Item #4?

**Answer:** Yes

**Question:** “Required Information” Item #5 of the RFQ is not applicable for non-MWBE firms. May respondents combine Items #5 and Item #6 in our submittal?

**Answer:** Please indicate in your response #5 is not applicable.

**Question:** In which section of the submittal (Items #1 to #7) would you like to receive the required procurement forms?

**Answer:** These should be included in an independent section you create as part of your response.

**Question:** Can a link to the RFQ’s Required Procurement Forms be provided?

**Answer:** The RFQ requires three forms:

1. State Finance Law §§139-j and 139-k Forms;
2. New York State Vendor Responsibility Questionnaire For-Profit Business Entity; and

### 3. Iran Divestment Act Statement

You can access the first two by scrolling all the way down to the bottom of ESD's RFP webpage

There is no form for the Iran Divestment Act since this statement needs to be on respondents' letterhead.

**Question:** Are the three Required Procurement Forms required of the prime only or are forms also required to be submitted for sub-consultants as well?

**Answer:** All named firms included in the Qualifications submission must complete the forms.