



**REQUEST FOR PROPOSALS (RFP)
New York Small Business Covid-19 Grant Relief Program
Grant Administrator**

RFP Release Date: May 1, 2021
Q&A Response Date: May 5, 2021

The following is a list of responses to questions submitted by prospective respondents to the ESD Request for Proposals for New York Small Business Covid-19 Grant Relief Program Grant Administrator. A copy of the RFP is available at: <https://esd.ny.gov/doing-business-ny/requests-proposals/new-york-small-business-covid-19-grant-relief-program-grant>

New York Small Business Covid-19 Grant Relief Program Grant Administrator RFP - Responses to Questions

No.	Question	Answer
1	What is the total number of grants the State would like to deploy, and what is the average size?	Minimum 30,000 grants Maximum 175,000 grants
2	What is the timeline to deploy the funding?	From June, 2021 to September, 2021.
3	What will the State require regarding business verifications? Will attestation be enough, or will the State require a certain number of documents?	Please see RFP NYS COVID-19 Pandemic Small Business Recovery Program Details – Part D outlines the documents required for verification and are subject to change.
4	Since it sounds like this is a reimbursement contract for the businesses, how does the reimbursement process work?	The grant program is not a reimbursement program. Once the small business applicant has met all the criteria in the application successfully, then it will be granted funds.

No.	Question	Answer
5	<p>Pages 5 and 6 of the RFP are specific as to Grant recipient eligibility, page 4 is clear that the Respondent must define their fraud mitigation process for ESD approval, and page 3 of the RFP is clear that while the selected Respondent makes funding requests, the decision to fund is made by ESD. Given the preceding can we assume the contractor is not going to be required to indemnify ESD for the amount of improper payments that may occur due to applicant fraud?</p> <p>We request confirmation that the indemnification terms in Article 4 (Indemnification) of Schedule A can be adjusted to make clear the contractor's indemnification obligations do not include claims that may arise from or relate to applicant fraud.</p>	<p>ESD is not requiring indemnification from the Contractor for applicant fraud where the decision to fund has been made by ESD.</p> <p>ESD will require the administrator to ensure that requirements of eligibility and documentation has been uploaded and conforms to requirements. If the administrator fulfills this obligation, then they will not be responsible for fraud by the small business applicant.</p> <p>Schedule A under 4.2 requires indemnification for negligence, failures, acts or omissions, etc. on the part of the contractor that are now a claim on ESD. Improper payment as a result of applicant fraud will not be applicable in this section.</p>
6	<p>Will the State agree on a damages cap that limits the contractor's liability to the amount of the fee paid to the contractor and excludes recovery of consequential and punitive damages?</p>	<p>The State would be open to discussing caps on limits.</p>
7	<p>What is the total number of grants the State would like to deploy, and what is the average size?</p>	<p>Please see response to Question 1.</p>
8	<p>Although we have not worked in this sector before, we are well versed in many areas and have the contacts which can help develop this program. Is there any possibility in being able to submit a proposal with minimal experience?</p>	<p>ESD is looking for an experienced third-party grant administrator due to the volume and expediency of this Program.</p>
9	<p>Could you provide a list of Prime Vendors that have expressed an interest in bidding this RFP?</p>	<p>There is no list of Prime Vendors.</p>
10	<p>Does ESD have a preference regarding the business location of the Prime Vendor? (i.e In-state or Out of State)</p>	<p>ESD is willing to contract with an In-state or Out-of-State third-party provider.</p>

No.	Question	Answer
11	Did ESD work with a Prime IT vendor during COVID to administer grant disbursements?	No.
12	Will ESD provide mobilization seed capital to the vendor for building out a new platform?	The cost would include system and platform costs. All costs for the scope of work and services under this RFP is capped at 4.375% of \$800 million or \$35 million and provide an outline of the budget per Appendix A.
13	Will ESD award a contract to a Prime vendor under this RFP without an M/WBE partner to achieve the 30% requirement outline in this RFP.	The selected vendor will be the vendor with the highest score based on the RFP's scoring criteria.
14	What factors will be considered to justify whether a Prime vendor could request an M/WBE goal waiver if he can not identify or partner with an MBE firm? Note RFP turnaround date is 5/7/2021.	The Contractor must document "good faith efforts," pursuant to 5 NYCRR § 142.8 and 9 NYCRR § 252.2(m), to provide meaningful participation by MWBEs and SDVOBs as subcontractors and suppliers in the performance of the Contract. Waiver requests will be reviewed and analyzed based on this standard.
15	I am not sure if this is a job position offering order to advertise with our Hispanic Media Outlets? or for us to consider to apply?	This is not a job position offering. This is RFP for third-party administrator for grant program.
16	Please let me know what I will need to apply for this program?	Please see RFP NYS COVID-19 Pandemic Small Business Recovery Program Details – Section IV., V., and VI.
17	Does the application already exist or the Vendor needs to create one?	The vendor will be working with ESD on the application. ESD has a draft application.

No.	Question	Answer
18	It appears that the link to the Conflict of Interest Form is Broken	Conflict of Interest Form
19	It appears that the link to the Iran Divestment Form is also broken	Iran Divestment Form
20	We see that for the “Documentation Requirements” there is a need for a proof of revenue loss or economic hardship by submitting the 2019 and 2020 Business Income Tax, however we have not submitted our 2020 Corporate Income Tax, we currently have filled an extension and we should be able to fill by 5/31/2021. Can we still apply for the grant without the 2020 Corporate Income Tax being filled?	The NYS statute for this Program requires 2019 and 2020 Business Income Tax returns. The small businesses should have filed 2020 Business Income Tax returns when the application portal opens in the Summer.
21	<ul style="list-style-type: none"> • On Timing: <ul style="list-style-type: none"> ○ How long do we have to deploy the \$800MM? ○ Will there be a setup period to get state’s requirements and other user experience issues resolved before launching and if so, for how long? ○ What is the target date for launch? 	ESD is looking to have the application portal in June. Please see questions #2. ESD will have a set-up period and is seeking to have a short window from executed contract to application portal launch.
22	<ul style="list-style-type: none"> • On Scale: <ul style="list-style-type: none"> ○ What are the minimum and maximum grant sizes expected to be provided in this program? 	Please see response to question 1.
23	<ul style="list-style-type: none"> • On Promotion: <ul style="list-style-type: none"> ○ What role and/or efforts will the state play in promoting this program? 	ESD and NYS will be using various methods to promote the program including but not limited press releases, public service announcements, resource partners, websites, social media and webinars and trainings.

No.	Question	Answer
24	<ul style="list-style-type: none"> • On User Experience: <ul style="list-style-type: none"> ○ Will the state permit use of bank statements in lieu of tax returns to demonstrate adverse financial impact? 	<p>The NYS statute for this Program requires tax returns to show economic losses and revenue losses.</p>
25	<ul style="list-style-type: none"> • On Collaboration: <ul style="list-style-type: none"> ○ Are there any restrictions in terms of who or how many parties can be part of the service delivery effort for this program? 	<p>There are no restrictions on how many parties can be part of the effort. ESD would ask that the lead of the bid coordinate on behalf of the other entities.</p>
26	<p>Are the design elements flexible?</p> <p>In particular can we eliminate: the non-qualified for PPP/EIDL element?</p>	<p>It depends on which design element, if it is flexible. Some elements are statutory and cannot be changed.</p> <p>On PPP/EIDL element that is part of assessing if the small businesses have received sufficient federal funding. There will be cut off point for what is acceptable.</p>
27	<p>Can we respond to address a portion of the program?</p> <p>In other words, a \$200,000,000 million portion of the total funding?</p>	<p>ESD is looking for one third-party administrator to provide the services as outlined.</p>
28	<p>What is the anticipated cash flow process?</p> <p>Would there be one or more advances?</p>	<p>The milestones and payment schedule will be agreed upon by the vendor and ESD.</p> <p>The funding for the grants to small businesses will be in disbursed to the vendor in tranches to ensure a smooth distribution to the small businesses.</p> <p>If the Respondent has suggested milestone, please provide as part of the Technical Proposal Section D on page 10 of the RFP.</p>
29	<p>What is the maximum grant amount?</p>	<p>This requirement is still being defined. Please see response to question 1 for the number of grants.</p>



No.	Question	Answer
30	For the purposes of pricing, should the respondent use 300,000 applications as the best estimate for processing purposes?	Yes.
31	If 300,000 is the estimate for the maximum processing capacity of the system only, could ESD please provide a range of applications that might be closer in line with the average amount of assistance ESD anticipates on providing?	Please response to question 1.
32	Will the respondent be required to accept and process paper or in person applications?	No. We are asking our technical assistance providers to accept those applications and upload to the application portal.
33	Can ESD please provide clarity on the intention of this referenced scope item?	New York Small Business COVID-19 Grant Relief Program Grant Administrator Request for Proposals on page 3 to 7 have the details about the intention of the scope of the program.
34	Given the cap on the budget for this response, does ESD anticipate contracting other services to assist in the delivery of this program?	Please see response to question 28.
35	Can ESD provide additional detail on the level of staff and involvement that ESD will provide for the implementation of the program?	ESD will have program managers and executive leadership that will provide design and policy elements and also monitoring the program. ESD will also be marketing and promoting the program. ESD, under another contract, will be using technical assistance providers that will be providing counseling and support to small businesses.
36	Will a call center be available to support the program or are all call expected to be handled within the scope requested under this RFP?	The technical assistance providers, under a separate contract, will be providing support to the small business applicants. If the Respondent plans to offer call center services please note it in the proposal.

No.	Question	Answer
37	Does ESD have an anticipated timeline during which it expects all funds to be expended under the program?	Please see response to question 2.
38	<p>Can ESD clarify its expectations regarding where the work will be performed?</p> <p>Is the intent to have a fully remote program, field offices set up throughout the state, project staff embedded with ESD, or a blend of these options?</p>	ESD is expecting this work to be performed remotely. There is no need for field offices to be set-up or to have staff sit at ESD offices.
39	We understand that time is of the essence. Given the complexity of the required items in the response, and impact of the answers to the Q&A on the response, would it be possible to grant an extension to May 14 th to allow respondents adequate time to provide the level of detail requested and subsequent revision?	Due to the urgent need for the grant funds to be disbursed to small businesses, it is not possible to extend the deadline for submissions.
40	<p>Can ESD please clarify the intent of p. 1 of appendix A?</p> <p>Is the total proposed cost for program services, capped at 4.375% of \$800 million, or \$35 million for the selected vendor, supposed to be outlined in this section as the administrative budget?</p> <p>Or is this line item supposed to be the full administrative budget for ESD and the vendor?</p> <p>If so, can ESD please clarify the amount it intends to retain for its own operations and any other vendor outside of this RFP?</p>	<p>Page 1 of Appendix A is to summarize the Proposed Administrative Budget as related to page 2.</p> <p>Yes, the proposed budget breakdown should outline budget and costs to provide the services requested.</p> <p>The outline is intended only to be for the vendor's expenses.</p> <p>Under another contract, ESD is providing grants to technical assistance providers for \$10 million.</p>

No.	Question	Answer
41	Can ESD please provide a list of languages required for translation and interpretation	<p>ESD is expecting the online application and ancillary material to be translated into the following languages:</p> <ul style="list-style-type: none"> • Spanish • Chinese - Traditional • Russian • Yiddish • Bengali • Korean • Haitian Creole • Italian • Arabic • Polish • Hindi • German
42	Please clarify where we can find the Evaluation Conflict Disclosure Statement (if different from the Conflict of Interest Attestation) and the PDF of the Iran Divestment Act Language. The links to the references to these two documents in section V.ii. appear to be broken.	<p>It is the same form. Conflict of Interest Form</p>
43	For companies that are not subject to GDPR standards but would be subject to CCPR or other similar state privacy laws, would such state privacy law compliance be sufficient in lieu of GDPR standards?	<p>Yes, GDPR applies only to EU countries and would be applicable only if program data is managed in those areas OR, if the program collects private data from or about an EU Citizen.</p>
44	Please specify which NYS and federal cyber securities and information security policies to which the contractor would need to comply.	<p>These requirements are identified in the IT Attachment – Appendix C.</p>
45	Please clarify the scope of ESD data that will need to be returned/purged from the contractor’s systems, including whether this includes, e.g., data and information provided directly be applicant through the requested platform.	<p>ESD will request of the administrator to provide a file or database that can be archived for historical use and it will include supporting documentation.</p> <p>The administrator will need to purge all data related to the program from their systems and back-up files upon completion of the contract.</p>

No.	Question	Answer
46	<p>Is any cost overrun or profit allocation permitted for the purposes of the budget?</p> <p>Are we allowed to have a reasonable grant administration fee?</p> <p>If not, would unused funds need to be returned to the state?</p>	<p>No cost overrun is permitted for this contract.</p> <p>All costs for the scope of work and services under this RFP is capped at 4.375% of \$800 million or \$35 million and provide an outline of the budget per Appendix A.</p> <p>Yes, unused funds need to be returned to the state.</p>
47	<p>Please clarify what constitutes “independently owned” for the purposes of eligible and whether the administrator will be permitted to rely on certification/attestations of independent ownership.</p>	<p>Independently Owned and Operated means a business concern that independently manages and controls the day- to-day operations of its own business through its ownership and management, without undue influence by an outside entity or person that may have an ownership and/or financial interest in the management responsibilities of the small business.</p> <p>The administrator can rely on the documentation requested about ownership (see Page 7 Section D in the RFP), the tax returns and attestation of the small business entity.</p>
48	<p>Please clarify what constitutes “independently owned” for the purposes of eligible and whether the administrator will be permitted to rely on certification/attestations of independent ownership.</p>	<p>Please see response to question 48.</p>
49	<p>Is the administrator expected to independently verify that the business did not qualify for business grant assistance programs or other COVID-19 grant programs?</p>	<p>The administrator can rely on the documentation requested (see Page 7 Section D in the RFP), the tax returns and attestation of the small business entity.</p>
50	<p>Please confirm whether the MWBE Contractor Compliance & Payment Reports and Workforce Utilization Reports need to be submitted monthly or quarterly. There appears to be some internal inconsistency between what is in the RFP and the Schedule B linked in the RFP</p>	<p>The MWBE/SDVOB Contractor Compliance & Payment Reports and Workforce Utilization Reports will need to be submitted on a monthly basis.</p>

No.	Question	Answer
51	Certain of the documents/reporting require disclosure of employee race, ethnicity, and gross wage information. Please confirm whether any exception to FOIL disclosure will be applied to this type of highly sensitive information to prevent public disclosure of such information.	Any information that pertains to an individual person, such as their name, that information would be redacted to maintain privacy. Information that pertains to the company as whole would not be redacted.
52	Certain technology subcontractors and the prices obtained in the marketplace for these services are highly sensitive proprietary company confidential information. Please confirm whether this specific information would be required to be disclosed in the RFP response.	In Appendix A page 2, ESD would request estimated cost be outlined. The Respondent does not need to disclose the name of the company being used in its response.
53	Please provide model language regarding Respondent obligations to remain responsible throughout the term of the agreement. (Section IX.iii. of RFP)	VendRep For Profit VendRep for Non-Profit
54	Are the percentage participation goals referenced in the RFP for SDVOB and MWBE participation based on percentage of payment or percentage of work? If the latter, how should this be measured?	The MWBE and SDVOB goals are based on the finalized contract value.
55	Section IV - Schedule of Dates: Due to the technical nature of this project and size and impact to the constituents of NY, we would request an extension for the Submission of Proposal date in order to be able to fully underwrite the opportunity and provide the best value for the ESD.	Please see response to question 40.

No.	Question	Answer
56	<p>The RFP states: “The Respondent also will provide all infrastructure necessary to administer Program grants, including but not limited to all hardware, software, security and communication platforms necessary to meet ESD requirements.”</p> <p>This statement appears to be in conflict with page 2 of Appendix A, which reads, in part: “Expenses may not include items like staff bonuses, office space, new equipment and fixtures, etc.”. If a Respondent needs to purchase infrastructure items referenced on page 2 of the RFP, will those be allowable expenses to list in Appendix A?</p>	<p>If the Respondent needs to purchase servers, software or specific equipment, please provide details in Appendix A, page 2 Section: Program Related Technology, Tools, Supplies & Materials.</p>
57	<p>RFP states: “Funding provided by ESD to the Respondent will be provided in tranches dependent on agreed upon milestones.” Since the RFP does not mention milestones anywhere else but on page 5, will ESD and the successful Respondent negotiate the agreed-upon milestones and payments upon award? If not, what milestones should Respondents develop and in what format does ESD prefer to see them? Will the resulting contract from this RFP be Firm-Fixed Price (FFP) based on the agreed-upon milestone payments? What is the expected end date of the contract?</p>	<p>The milestones and payment schedule will be agreed upon by the vendor and ESD.</p> <p>The funding for the grants to small businesses will be in disbursed to the vendor in tranches to ensure a smooth distribution to the small businesses.</p> <p>If the Respondent has suggested milestone, please provide as part of the Technical Proposal Section D on page 10 of the RFP.</p> <p>All costs for the scope of work and services under this RFP is capped at 4.375% of \$800 million or \$35 million and provide an outline of the budget per Appendix A.</p>
58	<p>Can Respondents add a line item to page 2 of Appendix A to show subtotals by component, so that the accompanying narrative totals tie to the subtotals?</p>	<p>Yes, a line can be added for subtotals by component.</p>

No.	Question	Answer
59	Please confirm that the line item on page 2 of Appendix A called “Total Administrative Cost Request” will be compared among Respondents to determine the lowest price. How will Respondents judged not to have the lowest price be allocated a budget percentage? Since budget is part of three items making up 30% of the overall selection criteria, would ESD consider carving out the budget percentage to stand on its own?	All costs for the scope of work and services under this RFP is capped at 4.375% of \$800 million or \$35 million and provide an outline of the budget per Appendix A.
60	Page 2 of Appendix A has a line for: “Estimated # of Eligible Small Businesses Served”. Does ESD request that Respondents assume a percentage of successful applicants based on the figure of 300,000 applications that is referenced twice (middle of page 4 and top of page 10) in the RFP? If not, can ESD provide an updated application figure to use? Does an application that is declined for any reason considered “served”?	The answer to that line should be based on what is the capacity of the system being proposed.
61	Page 2 of Appendix A states: “Expenses may not include...office space.”. This seems to imply that a proposed all-virtual solution is acceptable, please confirm.	ESD is expecting this work to be performed remotely or all-virtual solution.
62	Page 3 of Appendix E- Diversity Practices Questionnaire states, “If Yes, complete the attached Utilization Plan.” Please confirm this is the same document as the MWBE Utilization Plan and referenced in the solicitation	That is correct. Please complete the The Utilization Plan .
63	The State Finance Law §§139-j and 139-k Forms requires the Contract Procurement Number. How would ESD like Respondents to complete this field as this solicitation has no assigned RFP number?	No Contract Number is available currently. Please complete form and put TBD under contract number.

No.	Question	Answer
64	Can ESD provide the Iran Divestment Act form?	Please see answer to question #20
65	The RFP states, "Please submit all the pages and attachments [of VendRep receipt] if necessary. This document must be signed and notarized." If the Vendor Responsibility Questionnaire has been completed online, what document(s) should be signed and notarized?	If VendRep has been completed on line, bidder must print and submit a scanned version of the whole document. If there any attachments they must be sent to ESD as well. Online documents will not require signature and do not need to be notarized.
66	Please clarify the deadline for submissions of proposals of Friday, May 7, at 11:59	The technical proposal and all related appendices and the administrative proposal must be submitted electronically before 11:59 PM ET on Friday, May 7 to GrantAdminCovid19RFP@esd.ny.gov .
67	Is an e-signature process permitted and/or required for the grant application and grant agreement submission documents?	Yes, e-signature is permitted and preferred for the grant application and submission.
68	Is there an MBE/WBE/DVBE goal on this contract?	Per Section IX of the RFP, the current goals are 30% NYS-certified MWBE and 6% NYS-certified SDVOB.
69	Please provide perspective around the stated schedule of dates, priorities, and key milestones.	The compressed dates as outlined in the schedule of dates is due to the urgent need for the grant funds to be disbursed to small businesses.
70	What grant services firms and/or products has ESD reviewed and assessed in preparing this RFP and its associated requirements?	ESD reviewed publicly available documents from other grant programs in the United States.

No.	Question	Answer
71	What grant services firms and/or products has ESD used in the past for grant administration?	ESD normally administers grants through the ESD Loans & Grants Department.
72	Please clarify the relevance of one reference being required from a municipality for ESD as a state agency.	ESD is requiring at least one government entity reference including municipal, state or federal government. Government entities operate different from commercial companies.
73	May a Respondent submit a response only for the technology platform(s) portion of the RFP?	Please see response to question 28.
74	Will ESD consider an extension to the due date in order for bidders, especially those in the MBE/WBE/DVBE, the opportunity to prepare proposals and identify qualified partners to include?	Please see response to question 40.
75	<p>Please clarify the action of obtaining OSC approval of the contract and this impact on the stated Schedule of Dates (i.e. the “early June” launch date)?</p> <p>Our understanding is that OSC, upon receipt of a final contract package, can take up to 30 days to review the submission, which can be extended if further documentation or clarifications are requested?</p>	Under Executive Order 202 related to the COVID-19 emergency, Section 2879-a of the New York Public Authorities Law was suspended which would have required prior review and approval of contracts in excess of \$1 million dollars by the NYS Office of the Comptroller.
76	<p>Is the Respondent responsible for managing the actual distribution of grant funds to grantees?</p> <p>And if so, what are the permissible methods of distribution?</p>	Yes, the Respondent is responsible for the actual disbursements of grant fund to the small business grantee. The Respondent can specify what methods are preferred for the disbursements.