

Homeless Housing and Assistance Program
Request for Proposals
Questions and Answers (Q and A)

This document will be updated periodically with the most current update at listed first, consisting of questions received since the previous update, and answers thereto.

Questions and Answers

Updated June 18 2014

- Question:** 1.) Can you clarify the difference between units and beds and how each should be recorded in the “building information” section? In particular, for a proposed emergency shelter that is congregate in design, should the applicant count each floor or room as a separate unit, or are beds and units considered interchangeable in such a case?
- 2.) Can you confirm that for emergency shelter projects in NYC, the LDSS would be DHS?
- 3.) Exhibit B-# (Description of non-HHAP Funds Required for Development), does permanent financing refer to ongoing operational costs of the proposed program? If not, what does permanent financing refer to?
- 4.) In the Agency Development Experience section:
- a. can the applicant reference projects that occurred more than ten years ago, particularly if the project was very similar in scope and size and there is no more recent development experience to note?
 - b. Must all experience listed be related to development of housing, or can operations experience be included?
 - c. Should applicants include any relevant experience of consultants/architects we are engaging/plan to engage to carry out the project?
- 5.) Exhibit A-7: Site Control – [our agency] (who is the applicant and will operate the shelter) is the current owner of [project site] (the site for which funds are being requested.) In 2012, [our agency] established a related limited liability corporation of which [our agency] is the sole member, [the LLC], and [our agency] plans to transfer ownership of [project site] to [the LLC]. If we apply as [our agency] – the entity with current site control – will we have the ability to transfer ownership (and any funds secured through HHAP) to the [the LLC]?

Response: 1) Emergency beds represent the number of individuals the shelter may accommodate. The unit count is dependent upon the layout of the project for emergency shelters. For example, it may correspond to rooms (e.g. a converted four-bedroom home may accommodate an individual or family in each room to a maximum of nine beds. The unit count would be four and the bed count nine.); or demised sleeping areas or floors for “dormitory-style” shelters. The definition of unit provided in the application is “a self-contained subdivision within a project. Such subdivision can include: a one-family apartment, a private sleeping room in a single room occupancy (SRO) residence, a single bedroom in a congregate facility, or each subdivision in a dormitory type setting.”

2) For emergency shelters in New York City other than domestic violence shelters, notifying the Department of Homeless Services (DHS) would likely satisfy the requirement to notify the Local Department of Social Services (LDSS). If the Human Resources Administration (HRA), will have any role in the project, it would be appropriate to notify that agency as well.

3) Permanent financing refers to what funding sources will remain following the completion of the construction phase. For example, some projects (typically those involving Low-Income Housing Tax Credits) involve a construction loan through a bank or other institution, which is paid or partially paid at the conclusion of construction. HHAP is usually involved in construction financing, it is considered permanent financing. Grantees enter into a long-term contract with HHAP which includes both an “establishment phase” (development) and an “operational phase”.

4) a. The RFP states in Section III A.

“Housing development and management is frequently a complex and difficult process and the provision of support services to homeless and special needs populations requires appropriate expertise. Therefore, HHAC urges potential applicants who do not have demonstrable, successful experience in these areas to consider submitting proposals jointly with organizations whose experience can complement their own.” While there is no mention in the RFP qualifying such experience as necessarily recent, the Agency Development Experience form in the Application specifically directs applicants to include projects developed within the last ten years. Should applicants choose to list projects older than ten years, the experience would be considered in accordance with the scoring guidelines indicated in the RFP. It is assumed that recent, successful development experience would be more transferable and beneficial to a new development project.

b. The “Agency Funding History” form in the Application immediately following the “Agency Development Experience” form is intended to capture operations experience.

c. In the Application, “Exhibit A-6: Development and Management Team” requests the following information: “Detail the respective roles and responsibilities of each entity necessary for the development, operation and provision of services at the proposed project. Please include a brief synopsis of the relevant experience of each entity, and identify any prior experience with HHAP, if applicable. . . Following this page, please briefly describe the

qualifications of the proposed consultant and include a draft scope of work.” This narrative section is also applicable to question 4.c. regarding the applicant’s operating experience.

5) Many HHAP projects involve an intended title transfer. Include a detailed description of the development and ownership plans as well as all relevant documentation, to allow HHAC to make an informed determination. In the instance described, the LLC appears to be an eligible entity to contract with HHAC.

Question: During the HHAP webcast last week, you (or your staff) mentioned that if a GC is part of the development team, the GC will be required to competitively bid 50% or more of its subcontracts. Did I hear this correctly? Can you respond to this email and (re) state the HHAP policy when the GC is a member of the development team? Is the policy regarding GC selection in writing in a manual or regulation that I can reference?

Response: In the Application, Exhibit E-3: Scope of Work and Cost Estimate indicates: “A note regarding the use of a preselected GC or CM. HHAC requires that a minimum of 50% of the value of the work is competitively bid, which may be accomplished through trade subcontractors.”

Question: If a project includes over 51% of the populations to be served as population(s) with a disability (i.e. SPMI, SA), will the application still be considered competitive? Is HHAC limiting the percentage of people with disabilities to be served?

Response: HHAC is not applying any quota or maximum ratio of units to be occupied by persons with disabilities. However, we will be reviewing the design and program narrative in light of the description of integrated settings provided on page 8 in the RFP.

Question: Page 36 stipulates that applicant agencies should submit a long form version of the Certificate of Good Standing, not the short form. Attached is the Certificate that our agency obtained recently. Could you tell me if this is the long form or the short?

Response: In the Application, "Exhibit D-1: Applicant Information and Financial Status" indicates that a Certificate of Good Standing (long form) is required. The footnote on that page indicates: "A Certificate of Good Standing can be obtained from the NYS Department of State (www.dos.state.ny.us). Please allow sufficient time to order the Certificate to ensure that it is included in the application and make sure to order the long form, rather than the short form, which lists only name change amendments." The "long form" certificate both confirms the status of the corporation and lists all documents (amendments to the Certificate of Incorporation) on file.

Question: If a non-profit is the applicant and its for-profit partner (in a 50/50 partnership) is the co-applicant under this 2014 RFP, and the non-profit plays a principal role (per the joint

venture operating agreement) is OTDA now requiring the non-profit to have a "controlling interest" in any joint venture relative to the project?

And, if the non-profit will be the sole owner and operator of the project after the conversion of any public financing, is OTDA now requiring that the non-profit have a controlling interest during the development phase?

This apparent requirement-- that the non-profit in any partnership arrangement to develop the project must have a "controlling interest" -- appears only in your presentation materials (under "Additional Requirements"), not in the RFP itself, and was repeatedly mentioned in the presentation of June 10.

Will you kindly clarify OTDA's position?

Response: Based upon the HHAP statute and regulations, the RFP states in Section III A.: Eligibility Requirements – Applicant Eligibility and Experience: “Applications may be made by:

- not-for-profit corporations and their wholly-owned subsidiaries;
- charitable organizations and their wholly-owned subsidiaries;
- jointly-owned entities in which a not-for-profit corporation, charitable organization or the wholly-owned subsidiary of either ***maintains a majority ownership interest in and control of the joint entity and has an approval role in project development and management*** [emphasis added];
- municipalities; and
- public corporations.”

This section was modified in the 2014-15 RFP in order to expand and clarify the types of applicants eligible for HHAP funding. Previously, the RFP stated that “Applications may be made by not-for-profit corporations and their subsidiaries, charitable organizations, municipalities, and public corporations” with no clear allowance for jointly-owned entities.

Questions and Answers

Updated June 13, 2014

Question: I was asked to email you just to be sure that a single organization can put in two separate proposals for two different projects during this RFP window?

Response: The RFP does not preclude multiple proposals or awards to a single organization. However, the total amount awarded to any single agency may not exceed 25 percent of the available funding. Additionally, HHAC would consider the applicant's funding history, development team, and organizational capacity to undertake multiple development projects simultaneously.

Question: for the application will we need to submit an updated asbestos report, appraisal and Phase I? This project was submitted in 2009 and include the three documents, but I am wondering if we update them once we hear of an award or is it required that they be updated for this new application? The reason I am asking is because there is not much that has changed, the appraisal should be the same, asbestos has not changed, nor the Phase I?

Response: The RFP does not specifically require that environmental reports be dated within a certain time frame prior to submitting a proposal. Whatever pertinent environmental reports are available should be included with the application. The design consultant should advise whether conditions may have changed significantly enough to warrant an updated Environmental Site Assessment (ESA). Note that Exhibit E-1: Site Description of the Application indicates that "If a Phase I ESA has been conducted and a Phase II ESA is recommended, the result of both reports should also be included with the application."

An appraisal is not required to be submitted as a component of the application. For proposals requesting HHAP funds for acquisition, if an appraisal is available, it should be included, as per Exhibit A-7: Site Control of the Application, which states: "For sites to be purchased or currently owned, please provide an appraisal and most recent title update if available. (Please note, an independent appraisal by a qualified NYS certified appraiser may be required prior to closing.)" Note that HHAC does not generally view appraisals older than one year to be acceptable to establish current value. Therefore, while not required at the application stage, the development budget should account for the cost of an updated appraisal, assuming that HHAP funds would be requested for acquisition.

Question: Is an applicant permitted to apply for HHAP funding to renovate two separate buildings in the same application? Both the buildings are owned and operated by the same non-profit agency and both the buildings are in the same county. The scope of work for each building would be completely different, but the population served would be the same. Also, if the population served were different for each building, would the agency need to submit two separate applications?

Response: Yes, proposals to develop multiple sites are eligible for consideration. Please note the various references in the RFP to "scattered sites" for further instruction (e.g. Section IV. A. indicates that a development budget for each site must be submitted as well as a summary budget; Appendix A, Exhibit A-7 indicates that HHAC will only consider a maximum of four sites per proposal; etc.). HHAC encourages proposals that are responsive to locally identified needs, including mixed income, mixed housing types (e.g. emergency and permanent), and/or mixed populations, where appropriate and compatible. Therefore, the population served may be different at each site of a scattered site project or even within in any given project.

Question: [Our agency] had submitted a concept paper last year and was reviewed by your office. It appears to be a acceptable project, we were unable to submit the proposal prior to the closing of HHAP. My question is do we have to submit a new concept letter for this year's funding even if this is the same project?

Response: There is no requirement to submit a concept paper. However, if a concept paper has been previously submitted, prospective applicants may choose to resubmit a revised concept paper prior to submitting an application in order to receive feedback on any changes in the proposed project.

Question: I have a question about 'Exhibit B-1: Development Budget Summary'. In the Development Budget Summary table, I see a column for HHAP and 2 additional columns for other funding sources. Since our project has 4 different funding sources including HHAP, can I simply add another columns (other Source 3) onto the provided budget table to reflect construction financing accordingly?

Response: The budget pages of the application are available in Excel format on the RFP webpage and may be modified in order to accurately present the proposed project. In this instance, additional columns may be added to the development budget sheet to reflect other sources of development funding. Please label the columns appropriately and ensure that the formulas are capturing the new information where subtotals and totals are required.

Question: Exhibit D-1 of the 2014 HHAP application refers to an "Affirmative Action Statement" form that is provided. I am unable to locate the form in the application. Please advise as to where this form can be located.

Response: The "MWBE/Equal Employment Opportunity Policy Statement (OTDA 4970)" form required in Exhibit D-2: Equal Employment Opportunity and M/WBE Requirements of the Application has replaced and should be submitted in lieu of the Affirmative Action Statement.

Question: Exhibit D-1 refers to Supporting Organizations being exempt from submitting Corporate Documents. However, audited financial statements are included under this heading. Please confirm that Supporting Organizations are exempt from providing the other Corporate Documents (Board of Directors Profile, Sectarian Organization Checklist, Certificate of Good Standing, etc.) listed under that header.

Response: Thank you for pointing out the discrepancy. Supporting organizations are exempt from submitting corporate documents, including financial statements.

Question: [Our agency] is interested in applying for HHAP funding for redevelopment of an old school building in [location] into 33 units of affordable housing for seniors and veterans. Out of these units, as many as 5 may potentially be designated for homeless veterans. Another 5 may potentially be designated for veterans who are victims of domestic violence. We have a contract in place with [local] Veterans Services Agency to provide both referrals of and services to local veterans. I am wondering if the veterans who are victims of domestic violence would be considered by OTDA as persons who would "otherwise be considered homeless." In general, who does OTDA classify as persons who would otherwise be considered homeless?

In addition, the RFP states that “applicants must provide evidence that funds are committed for the non-homeless portion of the projects.” We have secured 33 Project-Based Vouchers from the [agency] towards this development. That being said, we will not be able to secure other funding until the next Homes and Community Renewal Unified Funding Application is awarded (which will likely be in spring of 2015). Does this make our project ineligible?

Response: As a starting point, there are several aspects of the project implied by the question that would need clarification (e.g. reference to affordable housing; the conditional phrasing of the homeless units, etc.). HHAP-funded units must be affordable to the population, but must also be supportive housing; that is, appropriate supportive services must be made available to the population served. All HHAP-funded units must be occupied by persons who are or would otherwise be homeless upon admission for the duration of the contract with HHAC. We would highly recommend submitting a concept paper to allow HHAC staff to provide guidance specific to your proposed project. The RFP defines a homeless person as “an undomiciled person (whether alone or as a member of a family) who is unable to secure permanent and stable housing without special assistance, as determined by the Commissioner of OTDA.” The RFP describes eligible populations in Section III. B. In this instance, veterans who are being referred from a homeless situation or imminently at-risk of homelessness; and those who are fleeing domestic violence, or being referred from a domestic violence shelter would be considered homeless.

With regard to the securing of other funding, proposals which rely only on HHAP funding are not ineligible. However, only homeless units and associated support services space are eligible for HHAP funding. HHAP funds may not be used for any non-homeless units, common space unrelated to the homeless units or commercial space. HHAC encourages applicants to seek to identify other sources of development funding in order to maximize the impact of the available HHAP appropriation to develop and/or preserve as many eligible projects and units as possible. Section IV. C. of the RFP describes the points associated with the leveraging consideration. It further states that “HHAC recognizes that it is often difficult to secure a firm commitment of other funding due to the varied timelines established by different funding agencies. If an applicant submits a proposal that is otherwise competitive HHAC may conditionally award funding. The award would be contingent upon the applicant securing other necessary funding within a reasonable timeframe specified by HHAC and on terms acceptable to HHAC.”

Questions and Answers

Updated May 2014

The Homeless Housing and Assistance Corporation (HHAC) suspended accepting applications in October 2013 for HHAP requests and in April 2014 for projects eligible for Medicaid Redesign Team (MRT) funds through HHAP. HHAC has made several revisions to the RFP to be released in May 2014. With the new release of the HHAP RFP, the Question and Answer process for the

open RFP has been restarted. Below is sampling of previous questions, edited and provided in order address basic questions regarding the RFP. All additional questions must be submitted in writing per the process outlined in the RFP. The answers to all questions will be posted as updates on the HHAP page of the OTDA website (<http://otda.ny.gov/contracts/2010/HHAP>).

Availability of Funds/Application Process

Question: When will HHAC/OTDA be accepting applications?

Response: HHAP applications will be accepted beginning **JUNE 30th, 2014**. The HHAP RFP is an “open” RFP, meaning that applications are accepted until available funds are committed and/or HHAC decides to terminate or suspend the acceptance of applications. At that point, a notice will be posted on the HHAP page of OTDA’s website. Applicants are urged to check the website prior to completing and submitting an application to determine whether proposals are currently being accepted.

Question: After submission how fast will the organization be notified of a funding decision?

Response: The timeframe for receiving preliminary feedback will depend on the timing and number of proposals that are received. Applications that are deemed complete and receive a passing score may be recommended for an HHAP award reservation, subject to the availability of funds as well as the approval of the HHAC Board of Directors and the Commissioner of OTDA. On average, the timeframe between application submission and notification of whether an application has been selected to receive a conditional award reservation is approximately three months.

Question: We are planning to hand deliver our HHAP application. How early will someone be in the Office to receive it?

Response: OTDA staff is available to accept applications as early as 9:00 a.m. on the first day that applications will be accepted per the RFP.

Question: Will applications submitted within the week following the initial date be considered in the first review?

Response: Applications will be reviewed in the order in which they are received; we will not be “batching” applications for review.

Concept Papers

Question: We’re planning on submitting the concept paper. Is submission of a concept paper required prior to a full application? Is there a deadline for the concept paper?

Response: Agencies interested in pursuing HHAP funding are highly encouraged, but not required, to submit a concept paper before submitting an application. A key to the success of any project is in the initial planning. Concept papers can be an extremely important part of the planning process because they enable HHAC to review potential projects and explore ideas without imposing heavy burdens on prospective applicants. Concept papers help HHAC assess whether or not the proposed project is eligible for funding and enable HHAC to provide guidance and feedback prior to the submission of a full proposal. Concept paper submission guidelines can be found on OTDA’s website.

Question: How quickly will HHAC respond to a Concept Paper?

Response: It generally takes about two weeks to receive feedback on a concept paper.

Application Preparation/Forms

Question: Have there been any changes to the application and RFP? Is it OK to use last year's form and update the information, or must we use this year's form?

Response: The HHAP RFP and Application released in May 2014 contains the following notable changes compared to the previous HHAP RFP. Applicants must submit the 2014 application forms to be sure that all changes have been included in the submission.

- Priorities have been adjusted and clarified to award bonus points for projects serving unmet housing needs identified in local CoC planning documents **OR** projects serving NY/NY III Population A to avoid awarding duplicate bonus points.
- A priority for projects serving veterans has been added. Certain additional information must be provided to earn the “bonus points” associated with the priority. See the RFP for details.
- Language regarding the Olmstead decision and compliance therewith has been inserted.
- Requests for additional HHAP funds from operational HHAP projects (formerly referred to as “contract amendments”) will now be considered through the RFP. The RFP and Application contain numerous new references and changes pertaining to applications seeking funds for operational HHAP projects, including but not limited to: exemptions from submitting certain information; additional documentation requirements; and changes to the point structure.
- The points for Status of Local Planning and Zoning Board Approvals has been reduced from four to two points and the Scope of Work consideration increased by two points.
- Applicants will now be allowed to provide a narrative and supporting documentation regarding energy efficiency aside from participation in the NYS Energy Research and Development Authority (NYSERDA) and U.S. Environmental Protection Agency (EPA) programs listed.
- The “Feasibility” section has been revised to allow HHAC to effectively deny applications on the basis of omitted or misleading information submitted in the application or another project, for

failing to meet Minority and Women-Owned Business (MWBE) participation goals or Annual Reporting requirements, or lack of organizational capacity.

- Conflict of interest language has been expanded and clarified to address not-for-profit/ for-profit partnerships and other types of entities that may be involved in the project. HHAC may impose conditions to avoid or mitigate conflicts arising from individuals/entities that would simultaneously control/direct grant funds while also receiving profit from grant funds.
- Applicants will now be required to identify and utilize the services of a design professional (architect/engineer) at the application stage to be favorably considered.
- A differentiation between construction and permanent financing “sources and uses” will be required where applicable.
- Language regarding the need to be prequalified on the Grants Gateway has been inserted and corporate documents available in the Gateway document vault will not have to be submitted.
- Applicant/ co-applicant information for other entity types such as LLC’s including articles of organization, membership/ownership interests will now be required.
- Language discouraging applicants from proposing a project in a designated flood hazard area has been added.
- The previous architect’s fee schedule has been revised and simplified, and are now more comparable to other capital programs.

Question: How can I make adjustments to the protected excel sheets in the application?

Response: The password to unprotect the Excel worksheets is “cdu”. Please keep in mind that it is the applicant’s responsibility to ensure that all calculations are accurate; inaccurate calculations may negatively impact the overall competitiveness of a proposal.

Funding Parameters

Question: Is there a per-unit maximum?

Response: HHAC has no predetermined limit on the amount of funding that will be awarded on a per unit basis, but has established that no single sponsoring organization shall receive more than 25% of the funds available in any given State fiscal year for one or more projects unless HHAC determines that it is in the best interest of the State to do so. (Please see section VI. Terms and Conditions of the RFP).

While per unit limits have not been established, applicants should be aware that HHAC employs guidelines to evaluate project cost. These guidelines are based on many factors, including recent historical data, the type of construction, the nature of the housing program and regional considerations. HHAC does not publish its cost guidelines out of concern that applicants will

either underestimate or overestimate the true project cost in an effort to "back into" the guidelines. This does not give applicants a competitive edge. If the request is based on an informed, honest, cost-effective estimate of cost of construction is likely to approximate the HHAC guidelines.

To arrive at a realistic construction cost estimate, applicants are advised to engage an architect familiar with the local building market and who has experience designing the type of building proposed. A qualified architect should be aware of local market conditions and what constitutes a reasonable cost for the type of project being proposed.

It is HHAP's goal with regard to project cost considerations is to fund quality projects that present a cost-effective budget combined with an efficient design.

Sponsor Qualifications

Question: Are fairly new organizations encouraged to create collaborative partnerships with long-standing organizations that will perhaps strengthen the potential application?

Response: HHAC is always interested in establishing relationships with new organizations. However, because we make a substantial financial investment in project sponsors and because of the long-term commitment required (minimally 25 years), we very closely examine every applicant's experience in the areas of development, housing management, and the provision of support services. In addition, we closely scrutinize the financial information provided and evaluate whether applicants possess the organizational infrastructure necessary to both develop the HHAP project and successfully maintain it for the contractually-mandated period of time.

As such, it may make sense for a newer organization to partner with a more established entity that has the requisite experience and fiscal stability. Please see Section III.A and Appendix A of the HHAP RFP for additional information and guidance.

Minority and Women-Owned Business (M/WBE) Participation

Question: We noticed that there is an M/WBE form listed on your website, along with all the other M/WBE forms: M/WBE Goal Requirements; Certification of Good Faith Efforts. This Good Faith Efforts form is not, however, listed in the RFP as a required form but is listed as a form to be filled out pre-award. Should we complete this Good Faith Efforts form, in addition to the other M/WBE forms listed in the RFP?

Response: The question correctly points out that the RFP does not require the submission of the M/WBE Certification of Good Faith Efforts form, while this form is listed and provided on the M/WBE Forms section of the OTDA website under the heading indicating that the form must be submitted "prior to the award of a state contract". The HHAP RFP and Application

contain the correct information and only the M/WBE forms listed therein are required at the proposal stage. If a proposal is awarded under the RFP, HHAC does require the submission of a signed M/WBE Certification of Good Faith Efforts, at the appropriate point in time, prior to the execution of a contract. Note that this section of the OTDA website also lists the MWBE Subcontractor Request for Waiver Form. This form is also NOT required to be submitted with an HHAP application.

Question: Could you please advise on a question regarding Exhibit D-5 from the HHAP Application "Minority and Women Owned Business Enterprise Subcontracting Utilization Form." The instructions state that this form should be filled out by the applicant, however the questions seem to be for the contractor and the form requires "Signature of Contractor". Could you please clarify who should fill out and sign this form?

Response: The M/WBE forms were developed by OTDA's M/WBE Program Management Unit for all OTDA procurements, applicable to all goods, services, and grants procured through OTDA. The forms are not specific to HHAP, are generic in nature, and are not necessarily geared toward a capital program. Therefore, the "contractor" referred to in the M/WBE forms does not refer to a construction contractor, but to the applicant seeking the grant.

HHAC has received permission from the M/WBE Program Management Unit to remove this particular form (Exhibit D-5 - "Minority And Women Owned Business Enterprise Subcontracting Utilization Form") from the application, as it is duplicative of the "M/WBE Subcontractor Utilization Plan (OTDA-4937)" required per Exhibit D-4. In light of the change in the application, proposals will not be penalized in any way whether or not the requested M/WBE form listed in Exhibit D-5 is included.

However, please note that the "OTDA-4937" form listed in Exhibit D-4 must be included in the application and applicants are strongly encouraged identify M/WBE subcontractors as early as possible in the process. Proposals that include an M/WBE Subcontractor Utilization Plan which demonstrates that M/WBE participation goals will be met will be favorably considered.

Question: In the section governing M/WBE utilization, does HHAP require the identification and sign-up of potential M/WBE sub's at the time of our submission? We can ID a list of sub's prior but will not have anyone under contract because our construction firm does not have a signed contract yet. Must we sign up M/WBE's when we have not closed on our financing?

Response: The HHAP RFP does require the submission of an initial M/WBE Utilization Plan (Form OTDA-4937) with the proposal. The form should identify any retained or potential M/WBEs that the applicant plans to utilize or solicit in the development of the project. It is not required that the applicant make any commitments to enter into any agreement or contractors or subcontractors at the application stage. It is recognized that a General Contractor (GC), or Construction Manager (CM) and/or subcontractors may not have been selected at the time of the application. The RFP specifically states that "TBD" (to be determined) may be entered on the M/WBE Utilization Plan in cases where an applicant has not identified certified M/WBEs to

achieve the desired goals. However, in most instances, it is unnecessary to resort to indicating "TBD" even at the application stage. HHAC strongly encourages applicants to consider all potential sources of participation in order to develop an initial utilization plan that projects the achievement of the participation goals. If pre-selecting a GC or CM, HHAC strongly encourages applicants to consult the M/WBE Registry to develop a list of potential candidates to screen and interview. Budget line items such as title insurance, legal fees, surveyor, insurance, furniture, consultant, architect, suppliers, environmental testing, and trade subcontractors all represent opportunities for M/WBE participation. Identifying diverse sources of M/WBE participation early in the planning of the project lessens the reliance on the GC or CM to achieve the overall goals. Early planning and demonstration of progress toward achieving the M/WBE participation goals is an indicator of project readiness. The 10% WBE and 10% MBE participation goals are vigorously imposed. Therefore, developing an acceptable utilization plan early in the process avoids a potential impediment to closing on the project. It is recognized and expected that the initial utilization plan will likely need to be revised and finalized prior to the approval and execution of a contract with HHAC.

Additional Questions Received Since the Most Recent Q and A Update

Question: I am looking at rehabilitating a commercial building to create 45 one bedroom units of affordable housing units (60% AMI). Can you please assist me in estimating the per unit HHAP? Is there a formula that can be used to estimate?

The majority of units will serve homeless, except for 13 units for other low income tenants with section 8 vouchers. The allocation is as follows:

Section 8 (13) and
Homeless tenants -
Domestic Violence(12)
Mental Disability (6)
HIV/Aids (14)

Answer: We would recommend that your organization submit a concept paper to receive HHAC's feedback and guidance on the proposal. Regarding determining the amount of the HHAP request, HHAC has not established a per unit formula. This is due in part to the variety of the types of projects that we fund (e.g. emergency shelters, single family homes, large scale permanent housing apartment buildings, etc.), the impact of other funding sources, and geographic variations which do not lend themselves to a standard per unit subsidy amount. HHAC uses, but does not publish, cost per unit and cost per square foot guidelines based on the recent history of projects funded and completed. One aspect of scoring the proposals is whether the proposed project conforms to HHAC's cost per unit and cost per square foot guidelines. HHAC is interested in meeting identified local homeless housing needs in as cost-effective a manner possible with the resources allocated to the program. For applicants, this translates to providing a strong documentation of need; as accurate and reasonable a cost estimate as possible; a comprehensive and adequate scope of work; and the extent to which

other funding is leveraged. These are among the considerations related to the question, not an exhaustive list of scoring considerations. The HHAP funding request should be based on the amount needed to establish the project in a cost-effective manner, considering other applicable funding opportunities.

Question: I have a question regarding exhibit D-4 that I could not find the answer to in the Q&A provided. If we identify potential M/WBE candidates in our subcontractor utilization plan do we also have to have them sign the M/WBE subcontractors and/or suppliers letter of intent to participate (OTDA-4938 ELW Rev. 7/13)? The M/WBE subcontractor/supplier candidates that we are identifying in the utilization plan have very limited knowledge of this project since it is still in infancy it seems premature to have them sign letters of intent at this point. Thank you for your help in this issue.

Answer: The MWBE Program Management Unit within OTDA establishes the procedures regarding compliance with Article 15-A of Executive Law. The MWBE Subcontractors And /Or Suppliers Letter Of Intent To Participate form is among those which OTDA requires to be submitted "prior to the award of a state contract". However, the information entered on the form may be qualified to avoid being interpreted as an agreement to subcontract or a commitment to provide services at a particular price, and to better represent the status of the grant. It may be more appropriate for the applicant or potential subcontractor to insert an explanatory or qualifying statement regarding the services to be performed, the price or other information in the form. For example, the information in the form could be qualified as being "dependent upon award of the HHAP grant", "subject to a full bid package and prequalification of subcontractor", "based solely on an initial cost estimate and subject to change", or simply "TBD". HHAC would advise applicants to consider consulting with an attorney regarding these or additional qualifying statements used in conjunction with the Letter of Intent to Participate form, in order to comply with the requirement while ensuring that the parties involved have a clear understanding of the purpose of the form.