

## 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.*

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### **Update 7/1/19** **Application Preparation/Forms**

**Question:** In section D-1, would you like copies of the documents from grants gateway (key staff resumes, BOD profile, By-Laws, etc.) included in the paper copies of the application?

**Response:** On Page 40 of the HHAP RFP, under Exhibit D-1, it states “inclusion of documentation that a nonprofit applicant or co-applicant has been pre-qualified with the Grants Management System (including the Document Vault number) will be accepted in lieu of hard copies of those corporate or organizational documents being uploaded to the Document Vault.” The Agency Information Matrix on page 41 of the RFP identifies which required documents may be located in a document vault and those that must be included with the HHAP application.

**Question:** The application references source documentation, so do we need to provide copies of any source documentation used or just make reference to it

**Response:** Yes, sources of data referenced should be footnoted.

**Question:** Do projects that are pursuing historic tax credits need to complete the SHPO online CRIS process described in Exhibit E-7? Our historic preservation consultant advises that the CRIS process is superseded by the historic tax credit application process.

**Response:** Submission of the project to SHPO is required.

**Question:** We are seeking funding for permanent, supportive housing in a Motel setting with 10 efficiency apartments. Those apartments would be available for homeless single individuals, couples or adult/child combination. In the application, how should I best express the configuration? How would I describe the number of beds? Would they be considered congregates?

**Response:** Please refer to the definition of congregate housing in the HHAP Application on page 7: “**Congregate Project** - A congregate project is one in which residents are not provided with a self-contained dwelling unit (i.e., living, sleeping, kitchen and bath facilities). In congregate projects, tenants are provided with private or shared sleeping accommodations with shared common areas that may include kitchens, living rooms and bathrooms. In congregate projects, each sleeping room (regardless of the number of individuals it will accommodate) should be reported as one congregate unit. For instance, an emergency domestic violence facility located within a four-bedroom single family house that is able to accommodate nine beds would be characterized as **four congregate units, with nine beds.**”

Also, page 13 of the HHAP Application provides an estimated bed guideline.

*\*Please use the following guidelines to estimate the number of beds per unit:*

*Studio = 1 bed per unit*  
*1 bd = 2 beds per unit (if housing for singles, 1 bed per unit)*  
*2 bd = 3 beds per unit*  
*3 bd = 5 beds per unit*  
*4bd =6 beds per unit*

Efficiency apartments with more than one individual should be explained.

**Question:** Can you give me an idea of what the approximate turnaround time might be from submission of the application until we have a decision from you? And, once an award is made, how long is it between award letter and contract execution (assuming we turn around your paperwork promptly)?

**Response:** The HHAC Board approves all awards. The HHAC Board meeting on the first Wednesday of every even month. From application submission to HHAC Board recommendations typically takes approximately three months. From award letter to contract varies based on the pre-development needs of the awardee. HHAC has a two-part contract process, Pre-Construction, if funds are needed prior to construction; and Final Award, when construction activities are to commence. The execution of the Final Award Agreement requires all Architectural drawings to be reviewed and approved, as well as the entire General Contractor bid selection process to be completed.

**Question:** If an organization obtained a SHPO determination in 2018 for our project, do we need to re-submit and get a new determination in 2019?

**Response:** Applicants are encouraged to check the SHPO status to confirm nothing has changed.

**Question:** On E-3, it is required that we provide the total building construction cost (without contingency) but with general conditions overhead and profit. It states this figure should be transferred to Exhibit B-1, Line C.1. But in Section C of B-1, there are 3 lines, one of which is for the Construction Manager Fee. Our Construction firm is the Construction Manager, so their overhead and profit is in the total cost for Exhibit E-3. Since we don't have a construction manager, should we put in 0 for line C.3 in Exhibit B-1?

**Response:** An applicant can have a General Contractor (GC), who will charge Overhead and Profit (O&P), or a Construction Manager (CM), as builder, who will charge a CM fee. In B-1, Section C, there should be the construction price, including O&P for a GC, and contingency. If utilizing a CM, the construction price (with no O&P), construction contingency and CM fee should be included in the respective labeled lines.

**Question:** If we are planning to serve populations with multiple special needs, do we include all of them in Exhibit A-1. For example, we are planning to develop seven units for homeless individuals who are severely mentally ill and/or substance use disorders, and in our experience, the majority of residents will have co-occurring disorders. Therefore, I believe we would indicate that we are developing seven units for severe mentally ill and 7 units for substance use disorder.

**Response:** Exhibit A-1 of the HHAP Application requests applicants to designate units by primary disability or life challenge. Requests wishing to serve multiple populations should identify units for each. Using the example provided, three units could be designated for SMI and four for SUD. Please note the Empire State Supportive Housing Initiative (ESSHI) has the same requirement.

## **Minority and Women-Owned Business (M/WBE) and Service-Disabled Veteran Owned Business (SDVOB) Participation**

**Question:** What are the goals for this program?

**Response:** OTDA's overall MWBE goals are 30% of the HHAP award. Please refer to Appendices E and F of the HHAP RFP. On 72 there is a breakdown of the MWBE goals by County. SDVOB goals are 6% of the HHAP award.

**Update 6/18/19**

### **Application Preparation/Forms**

**Question:** Please clarify what HHAP considers a "Site" vs "building." The project that will be developed on one site and will contain 17 townhouse style "buildings", 16 residential and 1 community building, for a total of 50 units. Do we need to submit separate Exhibit E's for each building even though it is all part of one project and one site? In particular, do we need to submit a separate E-3 Cost Estimate for each building?

**Response:** If the 17 townhouses are all the same, then one E-3 would be sufficient. If the building includes different scopes of work (new construction vs. rehabilitation), then separate E-3s should be completed.

**Question:** How will applications received via mail be clocked in? If we use FedEx guaranteed delivery by 10am, will someone be at the office to receive the package? Or are hand-delivered applications preferred?

**Response:** Applications will begin being accepted on or after Wednesday July 10, 2019 at 11:00am. There is no advantage to hand delivery. Applications will be evaluated and considered in that business day's grouping, including those received by hand delivery and those received by mail or delivery service.

**Question:** Within Appendix A it details what is required for Drawings, do these need to be full design/construction drawings or can they be floor plans with sketch illustrations showing the proposed work. As you know the design effort for what could be a large renovation project would entail a lot of effort along with a lot of costs that the client may or may not have, which would fall directly on them if the grant is not approved. Can you clarify further or give an example of what an acceptable set of drawings is?

**Response:** Please refer to the HHAP Application A: Technical Submission Guidelines & Requirements for Exhibit E, which can be found on our website with the HHAP RFP. <http://otda.ny.gov/contracts/2019/HHAP/>

**Question:** We submitted an application last year that wasn't funded. We are applying again this year. Is it necessary to update the flood plain and SHPO letters or can we submit last year's?

**Response:** All information should be dated within 6 months of the application submission.

## **Existing Emergency Shelter Repair Application**

**Question:** If an organization applies for and receives a \$100,000 grant for a specific shelter that it operates, can it apply again for additional funding in a subsequent year for other types of repairs?

**Response:** Per the HHAP RFP, an application for existing emergency shelter repairs cannot have an ongoing need. Repairs should be those related to areas cited by OTDA Division of Shelter Oversight & Compliance, the Local District, or other type of code enforcement. Should an application be awarded HHAP funds to address the current Health and Safety needs of the shelter, and in subsequent years new concerns arise, a proposal may be submitted assuming HHAP funds are available. Even if new concerns arise, an existing emergency shelter under contract with HHAP for shelter repairs will not be able to apply again until the contract term has ended or no more than twice in any five-year period.

**Question:** We understand that we need three bids/quotes for each repair activity, but if we proposing a repair that requires specialty work and there are not three vendors in our region, can we submit with fewer bids? Also, if we reach out to multiple vendors to obtain bids and we have vendors decline, do they count towards the three bids or do we have to have three actual estimates?

**Response:** Three bids are not required as part of the application. Bids are encouraged to assist in expediting the work. HHAP policy is any work over \$10,000 does require three bids, which can be completed after the award reservation has been granted.

**Question:** We are bidding out each repair per the instructions, and it is our understanding that low bids should be selected. If all of the low bids are not MWBE vendors, how do we meet the MWBE requirement? Should we select an MWBE vendor that has a higher quote in order to meet the MWBE expectation?

**Response:** The lowest responsible bid should be chosen. A responsible bid would include the bid that can assist the sponsor in achieving the MWBE and SDVOB goals.

**Question:** Do applications for Existing Emergency Shelter Repairs need to comply with the MWBE 15 % each?

**Response:** All New State Contracts have a MWBE and SDVOB goal. In the HHAP RFP, the overall MWBE goal is approximately 30%, with a regional breakout for MBEs and WBEs. The SDVOB goal is 6%.

**Question:** The RFP states that the agency can have their own maintenance staff preform the repairs – but it is not clear if you have to bring a contractor in to complete the repairs – would we need to comply with MWBE and SDVOB?

**Response:** Depending on the proposed scope of work, an agency's own staff may perform the needed repairs. MWBE and SDVOB goals can still be achieved through purchase of supplies. All efforts to achieve MWBE and SDVOB goals need to be documented.

**Question:** How many bids for each repair do we need to get before creating our budget?

**Response:** Three quotes should be submitted for small/ standalone work or to purchase equipment,

regardless of price.

**Question:** What is needed for Documentation of Need for the Existing Emergency Shelter Repairs?

**Response:** While there is no specific documentation of need section in the Existing Emergency Shelter Repairs Application, proposals should include supporting documentation that demonstrates the existing conditions are severe enough to impact the health and safety of the residents.

Applicants may include this information as part of Exhibit E-2: Scope of Work and Cost Estimate, Inspection reports citing the conditions is an example that may be provided.

### **Application Preparation/Forms**

**Question:** Exhibit E1 references the Phase I and Phase II, do we need to include the entire report or just the summary?

**Response:** We would prefer to have access to the entire report, and would suggest including the summary in the hard copies of the application, with a reference that the full report is available electronically in the electronic copies of the application.

**Question:** In the HHAP Architect Fee Schedule percentage chart, does the architect's fee percentage include the cost of consultant fees?

**Response:** Presuming that the consultant fees referred to in the question are consultants to the architect, then yes, the architectural fee schedule is inclusive of such fees. In 2013, the fee schedule was revised to raise the allowable fees to be comparable with other capital funders. Consultant fees may also refer to development consultants. In this case, those fees are not included with the architect's fees, but would be limited to the developer fee/ consultant allowance indicated in Appendix G of the RFP. Note that the fee guidelines only pertain to fees being requested from HHAP funds.

**Question:** How current does the Certificate of Good Standing (long form) that will be included in the application need to be?

**Response:** A Certificate of Good Standing (long form) certifies that the applicant is in good standing and lists all amendments to the original Certificate of Incorporation that have been filed. A Certificate of Good Standing can be obtained from the NYS Department of State ([www.dos.state.ny.us](http://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 Certificate of Good Standing (long form) should be as up-to-date as possible.

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

**Response:** The password to unprotect the Excel worksheets is "HHAP". 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.

**Question:** In Exhibit C-2: If the proposed project does not require a license or certification and the agency does not have a certified facility do we skip this section? There is no box to check for N/A.

**Response:** If the proposed project does not require a license or certification please write N/A.

**Question:** If an application is submitted before the funding round is subsequently closed because funds are exhausted (without the application being funded), does the application get reviewed and rolled over into the 2019 RFP funding round?

**Response:** Per the HHAP RFP, Section V. Award Process, part I “When available HHAP funds are depleted or HHAC decides to suspend acceptance of applications, a notice will be posted on OTDA’s website (<http://otda.ny.gov/contracts/2019/HHAP>). All proposals under review at that time will continue through the evaluation process. At the conclusion of the review process, applicants that do not meet the threshold for funding will be notified. Applicants that do meet the threshold for funding will be notified that proposals will be held on a waitlist until the end of the state fiscal year. If funding becomes available through a new appropriation, the recapture of funds, or otherwise, projects on the waitlist will be considered for funding in the order of the date of receipt. Proposals received after a suspension notification is posted on OTDA’s website will not be accepted.”

**Question:** How do we get the SHARS number for our agency?

**Response:** In the Definitions section of the HHAP application, page 8, it states, “The Statewide Housing Activity Reporting System (SHARS) is maintained by NYS Homes and Community Renewal (HCR). SHARS is an automated system for tracking, reporting and monitoring certain housing projects that apply for receive state funds. If a property included in the HHAP application has applied for or previously received an investment of state funds, please contact HCR to determine if a SHARS ID number already exists.” SHARS numbers are not provided by HHAC or OTDA.

**Question:** Do the Phase I and Phase II Environmental Assessments have to be within six months?

**Response:** Neither a Phase I or Phase II Environmental Assessment is required with the application. In Exhibit E-1, Site Description, part B the Phase I and II are requested IF they have been conducted. For the purpose of the application, we will accept reports that are older than six months.

**Question:** What time does will OTDA begin accepting applications and the whom is the correct person to deliver the HHAP application to?

**Response:** Applications will begin being accepted on Wednesday July 10, 2018 at 11:00am and no sooner. Proposals should be delivered to:

Homeless Housing and Assistance Corporation  
c/o Bureau of Contract Management  
NYS Office of Temporary and Disability Assistance  
40 North Pearl Street, 12-B  
Albany, NY 12243  
Attention John W. Printup

### **Contract Information**

**Question:** Are funds that are awarded to existing emergency shelters to complete repairs, subject to a lease term that equals the HHAC contract term (currently the minimum is 25 years)?

**Response:** No, funding for Existing Emergency Shelter Repairs are not subject to a 25-year contract. In some instances, they may be subject to up to seven years.

## **Olmstead**

**Question:** For a scattered site project how does the Olmstead Rule of 50% occupancy by residents with disabilities work, would it be per building or the whole project?

**Response:** HHAP funding can be used to acquire, construct or rehabilitate buildings to expand the supply of housing for low-income persons who are, or would otherwise be, homeless. A homeless person is defined 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. Non-profit corporations and their subsidiaries, charitable organizations, municipalities and public corporations are eligible to apply for HHAP. Homelessness is not a disability, but rather a life challenge, and therefore does not trigger Olmstead on its own. Applicants proposing to serve target populations with disabilities should contact the appropriate State agency to discuss specific Olmstead considerations, as they can differ.

## **Empire State Supportive Housing initiative (ESSHI)**

**Question:** Do you need to have HHAP funding to get ESSHI funding and vice versa? Or can you apply if you only have supportive services for already existing housing for homeless people?

**Response:** An applicant can apply to HHAP without ESSHI.

**Question:** We have a conditional ESSHI award that expires in September 2019. What is the latest we need to have an application in to get a notice on our HHAP award before September 2019?

**Response:** HHAP begins accepting applications on Wednesday July 10, 2019. It is anticipated to begin bringing funding recommendations to the October 2019 HHAC Board. While the ESSHI work group may allow for extension, HHAP encourages potential applicants to apply for ESSHI in the current RFP as well.

## **Operating Budgets**

**Question:** The agency is a recipient of a round 3 ESSHI award that includes subsidies for 12 units. To complete the revenue section of the HHAP application, what dollar amount should be used for these 12 subsidies? Should it be 100% of the Fair Market Rent (FMR) for 12 units (as per HUD practice) or should it only be showing the difference between the tenant's share of the rent and the FMR?

**Response:** If it is anticipated that the ESSHI award will be used as a rental subsidy for the 12 units, please put those rents at the FMR for the area of the proposed project. It is expected that the tenant will pay 30% of their income (or the Public Shelter allowance) and the remainder of the rent will be subsidized by the ESSHI grant. To receive full points for the anticipated revenue stream, please include documentation of the ESSHI conditional award.

## **General Questions and Answers**

**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 beginning at 11:00 a.m. on the first

day that applications will be accepted per the RFP.

**Question:** Is there a limit to how many applications can be submitted, per grant cycle.

**Response:** The RFP does not limit the number of separate applications from any particular applicant per year. There is a limit on re-submissions of a previous application, for the same project, which can only be submitted twice in one fiscal year. If multiple applications are submitted by one agency, we would be concerned about and consider the capacity of a grantee to develop multiple projects effectively simultaneously, and consider the timing and project readiness of the proposed projects, but there is no bar against submitting multiple applications.

**Question:** In preparation of submitting a 2019 HHAP application - the previously submitted application obtained letters of support and linkage agreements that were fully executed. When officially submitting a 2019 application, do the letters of support and the linkage agreements need to be updated.

**Response:** The RFP and application (and scoring instrument) do not speak to having a sunset on linkage agreements. Letters of support, however should be dated within six months.

The definitions section of the Application states: "Letter of Support A letter of support indicates that the author is in favor of the proposed project. Be sure that each letter accurately describes the project. All letters of support must be dated within six (6) months of the submission date of this application. Letters of support do not substitute for commitment letters or linkage agreements."

### **Concept Papers**

**Question:** We're planning on submitting a 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. Concept papers may be submitted at any time.

**Question:** In the HHAP Architect Fee Schedule percentage chart, does the architect's fee percentage include the cost of consultant fees?

### **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 award may exceed \$10 million and 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:** In the section governing M/WBE utilization, does HHAP require the identification and sign-up of potential M/WBE subs at the time of our submission? We can ID a list of subs 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 MWBE participation goals are vigorously imposed. HHAC is now accepting regional MWBE goal, similar to those of NYS Homes and Community Renewal. Please see Appendix E of the RFP).

### **Types of Applications**

**Question:** If we already operate a permanent supportive housing residence which is currently financed with a HHAP mortgage, are we eligible to submit a proposal for this opportunity? We would utilize the funds to renovate the building.

**Response:** You can apply as an HHAP Operational project. The RFP states in Section C. Eligible Types of Housing and Initiatives that Preservation of Units in Existing Homeless Programs and Operating HHAP Projects are allowable. These projects must demonstrate the following:

- (a) Demonstrate that the capital development financial assistance is necessary to preserve the continued operation of the homeless program or project (as opposed to merely desirable or a good idea);
- (b) Document that any other available sources and reasonable alternatives for meeting such costs have been pursued and exhausted (including, but not limited to reserves, insurance or warranty coverage, other available public and foundation grants, and debt service);
- (c) Demonstrate that the need for such funds will not be ongoing and that the project after repair, rehabilitation, or expansion will be reasonably fit for its intended use and financially viable for the operational phase of the project as determined by HHAC as a condition of funding;
- (d) Demonstrate that without HHAP funding, the residents or the ongoing viability of the project are in jeopardy and that the community would lose an existing homeless housing resource. Requests for funding consisting primarily of upgrades or maintenance items will not be considered; and,
- (e) (applicable to Operating HHAP Projects and existing Emergency Shelter Repairs only) Document that the scope and costs are reasonable and limited to the items and conditions that, if not corrected, may impact the health and safety of residents or the ongoing viability of the project.

For proposals to preserve Operating HHAP Projects, HHAC may also consider capital funding requests for clearly demonstrated needs for repairs, expansion of units, or other modifications necessary to:

- (a) Enhance the quality of life or facilitate appropriate supportive services for tenants;
- (b) Accommodate population changes in response to community needs; or
- (c) Address one or more significant operational issues that are related to sustaining the availability of the project as a community resource for homeless individuals or families.

**Question:** We are interested in applying as an HHAP Operational project to create more green

space within the external lot for a communal garden for the residents and replace our HVAC unit; are these eligible expenses?

**Response:** It is HHAC's strong preference to expand the availability of homeless housing through the creation of new units. The availability of funds for the preservation of existing units is extremely limited. Proposals should address critical repairs in order to preserve the projects.

### **Eligible Populations**

**Question:** Can we admit persons into this permanent supportive housing project directly from licensed OMH, OASAS, OPWDD, and OPDV residential sites who are discharging, homeless, with no permanent residence to go to?

**Response:** The RFP states in Section I. Introduction that a homeless person is defined 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. Individuals coming from emergency and transitional settings are eligible.