

**NEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS
REQUEST FOR PROPOSALS**

for

Program Administrator

for the

Socially and Economically Disadvantaged Farmers Competitive Grant Program

RFP0288

RFP Issued: January 26, 2023

Proposals Due: April 18, 2023

QUESTIONS & ANSWERS

Published April 4, 2023

Q: 1) What does providing “financial assistance” in the RFP include?

A: For purposes of this Program “financial assistance” means any form of direct, insured or guaranteed loan, any form of grant, or other form of direct or indirect assistance extended by the entity.

Q: 2) The Scope of Services section in the RFP does not make any reference to Financial Assistance, yet it is referenced elsewhere and is a scoring criteria. Can you clarify the expectations as to what is to be provided and where the costs of providing those services would be budgeted?

A: The scope of services does not involve providing any financial assistance other than administering the Grant Program. Per the enacting legislation for this Program, the entity selected to administer the Program must be able to provide financial assistance. See Question 1 for a definition of "financial assistance".

Q: 3) For ST-220-CA and ST-220-TD, Contractor Certification and Contractor Certification to Covered Agency, who is the “Covered Agency”?

A: NYS Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, 1-800-554-4501.

Q: 4) As discussed in 8.5.2 of the RFP, for purposes of this grant program please describe situations in which sales and use taxes would need to be collected by the Contractor and remitted to NYS.

A: The Sales and Compensating Use Tax Certification referenced in section 8.5.2 of the RFP is required regardless of whether sales and use taxes would need to be collected by the Contractor for the subject program. ST-220 TD allows the Contractor to certify that they are not required to register to collect sales and compensating use taxes per the thresholds in the Tax Law § 5-a.

Q: 5) As a 501.c.3 nonprofit is a nonprofit organization “Exempt” for purposes of completing “CONTRACTOR INFORMATION CHECKLIST”, “SUBSTITUTE FORM W-9” and as a tax exempt nonprofit do we need to complete this form?

A: All organizations must complete these forms. Please consult with your attorney or accountant regarding your exemption status. The Department cannot make that determination.

Q: 6) Is the administrator for this program expected to serve all of New York State or specific geographic territory (such as a County or ESD region)?

A: The selected Administrator is expected to serve all of New York State.

Q: 7) How many awards does NYS anticipate making, one single award or multiple awards?

A: The Department will select only ONE Administrator under this RFP.

Q: 8) Are Counties considered a municipality, eligible for this contract?

A: Yes, Counties are considered a municipality for purposes of this RFP.

Q: 9) What defines a ‘farm operation’ and ‘farmer’? Would a backyard hobby farm count?

A: Those terms will be defined by the Administrator in consultation with the Department during the development of the Request for Proposals for the competitive grant program.

Q: 10) Will this RFP be available again next year, or every four years?

A: The Department is unable to answer this question. The availability of funds for this Program in subsequent years is dependent on the appropriation of funds in the New York State budget.

Q: 11) Is a recording of RFP0288 and RFP0287 pre-proposal conference (held on Feb 10th) available?

A: Yes, a recording of the February 10th Bidders Conference is available here: <https://meetny.webex.com/recordingservice/sites/meetny/recording/bd1cec148b80103b887b00505681634a/playback>.

Q: 12) Can you please confirm the total amount of funding for the four-year period? Is it required that the funding be disbursed evenly to farmers across the four years or is it possible to spend down the funds in less than four years, for example, one or two?

A: Per section 3 of the RFP, a total of \$4,000,000 is available for the Program, of which not more than 15% (\$600,000) may be used by the Program Administrator for services and expenses directly related to the administration of the Program. A minimum of \$3,400,000 (85%) must be made available for the award of grants to eligible beginning farmers.

There is no requirement that the funding be disbursed evenly across the four-year contract period. The Department would like to see the grant funds disbursed to eligible applicants in a timely manner.

Q: 13) Are matching requirements for grants mandatory?

A: Yes, per the enacting legislation for these grant programs, grants must be issued with a required match. Per section 4 of the RFP, the required match shall not exceed 5% of the grant amount.

Q: 14) If our organization operates under a fiscal sponsorship agreement, who should be the lead applicant, our fiscal sponsor or our organization?

A: If your organization operates under a fiscal sponsorship agreement the fiscal sponsor would be the lead applicant and the entity that contracts with the Department. Upon award, the Department will require a copy of the fiscal sponsorship agreement. All mandatory submission documents must be executed by an authorized representative of the fiscal sponsor.

Q: 15) How long does the reimbursement process take?

A: Payments will be issued 30 days after submission of a Claim for Payment deemed acceptable by the Department and OSC, whichever is later. A Claim for Payment cannot be processed until the Contractor establishes an account within the Statewide Financial System.

Q: 16) Is there any limitation on business structure to receive funds as awardees? For example, can a cooperative business be an awardee?

A: The enacting legislation for both grant programs does not define the types of farm business structures that are eligible for an award. The selected administrator will define the eligible applicants in consultation with the Department.

Q: 17) Can an organization apply for both RFP0287 and RFP0288?

A: Yes, an eligible organization can submit proposals for both RFP0287 and RFP0288.

Q: 18) Please describe the process of creating the RFP by the Admin.

A: The selected Program Administrator is responsible for drafting the Request for Proposals to solicit applications from eligible applicants. The selected Program Administrator must consult with the Department during the process of developing the Request for Proposals to ensure that the final Request for Proposals complies with the criteria for the grant program set forth in the enacting legislation. See Section 4 of the RFP.

Q: 19) With the moving of the deadline, when is the new expected date of program administration award?

A: Per Addendum 2 to the RFP, the contract resulting from this RFP will tentatively begin on June 1, 2023 and end on March 31, 2027.

Q: 20) Can the Admin be a party to a grant, the funds of which they are administering?

A: No, the Administrator of the Grant Program cannot apply for and receive a grant.

Q: 21) Is there a machine readable version of the PDF that is already separated in to editable or fillable PDFs. The Appendixes are all one document.

A: The MWBE Documents (Attachment 12) and the SDVOB Documents (Attachment 13) are in fillable PDF format. All other forms in the Submission Documents package are fillable using the Edit PDF/Add Text feature in Adobe Acrobat. The Department will also accept forms completed with handwritten entries. If a required form is inadvertently altered, the Department will contact the respondent and allow a corrected form to be submitted.