

New York State Department of Agriculture and Markets

Administrative Services for the New York State Animal Population Control Fund

Request for Proposals

Questions and Answers

NOTE: A new Administrative Cost Form replacing the original Form is attached to the Questions and Answers and is made part of the Request for Proposals and MUST be submitted in response to the Request for Proposals.

Question: In general, how will the administrative entity ensure that municipalities are collecting the surcharge on all dogs licensed?

Answer: Municipalities are solely responsible for ensuring the surcharge is collected for all dogs licensed.

Question: Does Section 163-a of the State Finance Law (regarding prohibitions on vendor applicants for technology procurements) preclude an organization that actively lobbied for the restoration of the Animal Population Control Program (APCP) during budget negotiations from applying to be the administrative entity?

Answer: No.

Question: Can towns within a county that has an application pending before the administrative entity send surcharge revenue to that county directly in anticipation of approval? If not, would such towns be able to recoup funds paid to the state APC Fund so as to redirect it to the county upon approval of an APCP program?

Answer: No to both questions.

Question: Can the administrative entity use a percentage of surcharge revenues to offset the costs of operating the state APCP?

Answer: Revenue paid to the administrative entity by the Office of the State Comptroller may be used for administrative expenses, in accordance with the contract to be negotiated with the Department.

Question: In what type of account should the administrative entity deposit ACPC revenues disbursed by the NYS Office of the Comptroller on a quarterly basis? If the account must be an interest bearing account, how may the administrative entity use the revenue generated by such interest?

Answer: Funds disbursed to the administrative entity by the NYS Office of the Comptroller must be deposited and maintained in an interest bearing account insured by the Federal Deposit Insurance Corporation (FDIC). Such interest will be used by the administrative entity to award grants for the implementation of approved animal population control plans.

Question: Will the New York State Department of Agriculture and Markets (NYSDAM) establish any guidelines by which the administrative entity must regularly review awardees delivery of services as approved and funded through the APCP?

Answer: No. According to the RFP, “The selected proposer shall monitor the performance of approved providers and providers’ Program fund expenditures. The selected proposer shall establish performance and expenditure reporting requirements for each approved provider awarded funding under the Program, and may establish other conditions necessary to ensure appropriate and effective use of funds disbursed pursuant to the Program.”

Question: Are there pre-existing guidelines the administrative entity should use to determine “reasonable expenses” for the purpose of funding programs from a successful applicant?

Answer: No. According to the RFP, the administrative entity is responsible for determining, reviewing, and approving “reasonable expenses” to be charged by a successful applicant to the APCP fund.

Question: Will there be any additional guidance regarding the definition of “low-cost” spay/neuter services in addition to “substantially less than the average cost in a particular region of the state for spaying and neutering service...?”

Answer: No. According to the RFP, the administrative entity is responsible for reviewing and approving the anticipated fee schedule to be charged by a successful applicant to the APCP fund.

Question: Can a county government contract with a not-for-profit organization for spay/neuter services in order to establish a county program that can receive APCP surcharge revenue? Is this the intent behind Subdivision 8 of the AML Section 117-a?

Answer: No.

Question: What is the balance of the fund currently, and how much money does NYSDAM estimate will be in the fund on January 1, 2011?

Answer: The RFP states “In preparing and submitting your proposal, assume that annual revenues available for the Program will average \$1,000,000 annually during the Term of the Agreement. Please note that this amount is only an estimate and neither the Department nor the State of New York make no representation as to the amount available during the Term of this Agreement.” For informational purposes only, the Department anticipates \$850,000 will be available before funds are deducted from the fund and forwarded to NYC to operate their APCP.

Question: How will NYSDAM determine the amount that must be remitted to New York City for the purposes of establishing its own program pursuant to Subdivisions 27 through 32 of AML Section 117-a?

Answer: The amount will be determined by remitting the balance of those surcharge revenues raised in NYC since October 2009, which is when the Department ceased issuing vouchers under the current program.

Question: Under the Technical Proposal section E, there is a requirement to provide detailed financial statements, prepared by an independent accountant, covering your operations over the past five years. Is this information requested for our organization as a whole or only for our spay/neuter related work?

Answer: Detailed financial statements, prepared by an independent accountant, covering your operations over the past five years are required for the applicant’s entire organization.

Question: Does a County have to adhere to the same RFP submission process as the not-for - profits? Most importantly, do county applications have to abide by the same time schedule to submit the RFP as the not-for-profits?

Answer: County governments are not eligible to submit an application to be the administrative entity to operate the state APC fund. As stated in the RFP, eligible applicants must be a duly-incorporated society for the prevention of cruelty to animals, humane society, animal protective association, or not-for-profit corporation that has received designation as a 501(c)(3) entity by the Internal Revenue Service and you must be currently operating as an animal rescue organization, animal adoption organization, spay/neuter clinic, or other entity whose core mission predominantly includes state-wide efforts to manage the companion animal population in New York State.

Question: What will be the “tail” at the end of the 5 year contract? That is, how long will the administrative entity have to follow up on spending with disbursement reports, records, etc.? Ideally, it should be a year.

Answer: The Department will allow 90 days after the contract end date to complete all reporting requirements.

Question: Can the administrative entity award multi-year grants?

Answer: Yes. The terms must be within the 5 year period of the contract between the Department and the administrative entity, and end at or before the end of the period.

Question: Can the administrative entity develop a “mini-application” process?

Answer: This is up to the administrative entity. Your planned approach to the grants process must be described in the proposal you submit in response to the RFP.

Question: What happens to the funds at the end of the contract period?

Answer: All work for which reimbursement will be requested must be completed by the grantee by the end of the contract period between the grantee and the administrative entity, which must coincide with the end date of the contract between the Department and the administrative entity. The administrative entity will have 90 days after the end date of the contract between the Department and the administrative entity to reimburse expenses incurred during the contract period. The administrative entity will return funds left at the end of the 90 day period to the fund held by the Office of State Comptroller.

Question: Who is eligible for spay/neuter services?

Answer: Dogs and cats adopted from shelters and dogs and cats owned by persons on public assistance as stated in the RFP.

Question: Is infrastructure an eligible cost of the grant – for example, to expand facilities and equipment – so that a grant recipient can perform more surgeries?

Answer: Yes, provided that the end result is an increase in the number of low-cost spay/neuter procedures and decrease in costs of such procedures over the term of the grant.

Question: Can you use grant funds to train staff in “high volume / high quality” spay/neuter procedures?

Answer: Yes. The Department seeks an entity that will consider all alternatives and develop new approaches to spay/neuter. It is up to that entity to determine which short- and long-term approaches will maximize impact, and to award funding to those.

Question: What about hiring additional staff under the grant program?

Answer: This is an eligible cost.

Question: What if a county decides to have a program?

Answer: The county plan must be approved by the administrative entity. Once approved, all the funds collected by the municipalities within that county would be sent to the county for administration, rather than going to the Animal Population Control Fund.

Question: Do municipal shelters qualify to apply for grants to the administrative entity?

Answer: Yes. A municipal shelter is eligible to apply for funding through the APCP provided a county animal population control program does not exist.

Question: Is the administrative entity allowed to fund only best value programs, or does it have to be concerned with ensuring funds are equally distributed across the State?

Answer: The administrative entity shall fund programs that provide the best value and use its best efforts to provide that the program funds are distributed equitably statewide.

Question: How much does the Department anticipate will be deposited into the APCF annually?

Answer: The Department estimates \$1 million annually.

Question: What reporting is necessary?

Answer: The RFP states “The selected proposer shall submit an annual report to the Governor, the Temporary President of the Senate, the Speaker of the Assembly, the Minority Leader of the Senate, the Minority Leader of the Assembly, and the Commissioner of Agriculture and Markets. The report shall include, but not be limited to, the balance of the Program fund, annual expenditures, annual income, the number of entities receiving funding and the amount received by each entity, the total number and type of low-cost spay-neuter services provided by each entity, the method of providing such services by each entity, the expenditure made for promoting the fund and description of marketing efforts, and recommendations regarding the implementation and financial viability of the fund.”

Question: Who is to ensure that grant funds are spent appropriately?

Answer: The administrative entity.

Question: Does the new Animal Population Control Program (APCP) law set any parameters regarding the administrative entity’s ability to set service charges and other fees?

Answer: The APCP does not prohibit the administrative entity from charging reasonable fees for services related to the administration of its grants programs.

Question: How long is the contract term for the selected administrative entity?

Answer: Five years.

Question: Would the Department make available the list of participating veterinarians that provided low-cost/low-income spay/neuter services under the former APCP?

Answer: Yes. This information is public and available upon request.

Question: Do the APCP's revenue sources need to be reauthorized after five years?

Answer: No.

Question: Is there a time limit within which the administrative entity must comply in regard to reimbursing grant awardees for eligible expenses?

Answer: No.

Question: At the end of the administrative entity's five-year contract with NYSDAM, what happens if reports and receipts are received during the last quarter after the end of the contract period?

Answer: All work for which reimbursement will be requested must be completed by the grantee by the end of the contract period between the grantee and the administrative entity, which must coincide with the end date of the contract between the Department and the administrative entity. The administrative entity will have 90 days after the end date of the contract between the Department and the administrative entity to disburse to reimburse expenses. The administrative entity will return funds left at the end of the 90 day period to the Animal Population Control Fund held by the Office of State Comptroller.

Question: When disbursing grants under the Low Income provisions of the APCP, will the administrative entity have to verify low income eligibility?

Answer: Yes. However, the administrative entity is responsible for ensuring the grantee complies with all eligibility requirements of the program.

Question: Is there flexibility in who would qualify as low income?

Answer: The definition of low income is stated in AML Section 117a. Any proposed low income qualification not stated in AML 117a must be approved by the Commissioner of the Department of Agriculture and Markets.

Question: Can reimbursement be given for spay/neuter costs for other medical, pharmaceutical or other pre-surgical services needed prior to spaying/neutering?

Answer: Yes.

Question: Will NYSDAM establish a cap on grant money awarded to a given organization?

Answer: No.

Question: There is a Human Alliance Model outside New York State that provides training for organizations providing spay/neuter surgeries, resulting in a huge increase in the number of surgeries performed. Can APCP revenues be used for that kind of training?

Answer: Yes, provided that such training can be shown that it will increase the numbers of spay / neuters for the target group.

Question: Can grant money be used for animal care training?

Answer: Yes, provided that such training be shown that it will increase the numbers of spay / neuters for the target group.

Question: Can money be used to purchase equipment, upgrades, and veterinarian techs?

Answer: Yes, provided that such costs can be shown that they will increase the numbers of spay / neuters for the target group.

Question: If a not for profit organization wants to set up a clinic can they use grant money for infrastructure?

Answer: Yes, provided that such infrastructure project is shelter-based and is related to spay / neuter.

Question: Does the administrative entity have to demonstrate an increase in capacity year after year to the State?

Answer: No.

Question: In the case of grant monies awarded to a municipal contract shelter, would the grant money be paid to the municipality or to the shelter?

Answer: Grant award monies must be paid directly to the shelter providing spay/neuter services.

Question: Is there a contact person at the Department who can answer questions from the chosen administrative entity?

Answer: Yes. NYSDAM's contract manager for the contract between the Department and the administrative entity is Steve McGrattan, 518-457-7076. Questions will not be answered until a contract is awarded to an administrative entity.

Question: For yearly reporting purposes, will the chosen administrative entity follow Generally Accepted Accounting Principles (GAAP)?

Answer: Yes.

Question: What happens to the unencumbered balance held by the administrative entity at the end of the five-year contract period?

Answer: Unencumbered money will be remitted back to the state APC fund.

Question: Can a village, town or city apply for APCP funds?

Answer: Yes, provided that they are not a.) providing shelter services and b.) participating in a revenue-sharing arrangement with a county receiving dog licensing surcharge revenue as a part of an approved county population control program authorized pursuant to Subdivisions 5 and 6 of AML Section 117-a.

Question: If a county does not apply to the administrative entity to operate a spay/neuter program, can the administrative entity award a grant to that county?

Answer: No. An application must be made to the administrative entity for funding.

Question: Does every town in the county have to participate in the program.?

Answer: No, but if such town declines participation it must submit its surcharge revenues to the APC fund.

Question: Will the chosen administrative entity be required to submit an annual budget or a five year budget to NYSDAM?

Answer: Five year budget.

Question: How much accrued revenue will be in the APCP fund on December 31, 2010?

Answer: The Department estimates that approximately \$850,000 will be available before funds are deducted from the fund and forwarded to NYC to operate their APCP.

Question: How will revenue monies be distributed?

Answer: The NYSDAM will receive the surcharge revenues from licensing municipalities and forward it to the State Comptroller, who will in turn forward it to the administering entity on a quarterly basis through the term of the contract.

Question: If during a spay or neuter procedure something happens that requires life saving procedures, does the program cover this?

Answer: This should be negotiated between the administrative entity and the grantee.

Question: Rabies shots are required by law, are they covered under the program? Are they to be set at a reduced rate by the Vet just as the distemper shots are?

Answer: No to both questions.

Question: How will county grants impact the funding on a quarterly basis?

Answer: The Department is unable to answer this question because the number of county programs is unknown at this time.

Question: The current layout of the required cost form does not allow for increases per year for recurring costs in years 2, 3, 4, and 5. Costs such as travel, supplies and promotion will inevitably increase. Putting these increases in one lump sum will appear heavy on the cost side without some way to explain them. How should these things be explained and still be listed on the required form?

Answer: Please see the new Administrative Cost Form attached to the Questions and Answers and made part of the required forms to be submitted in response to this Request for Proposals. All costs necessary for the administrative entity to operate the program must be included.

Question: The required form does not take in to consideration one time costs and purchases. The current format will show these costs throughout the 5 year term. How can a bidder account for this without making the proposal look too top heavy and over bid?

Answer: Please see the new Administrative Cost Form attached to the Questions and Answers and made part of the required forms to be submitted in response to this Request for Proposals. All costs necessary for the administrative entity to operate the program must be included.

Question: Is it a conflict of interest for the awarded administrator to apply for low cost or free services from a clinic or group that has been granted funds, if said administrator does the same application process as everyone else?

Answer: Yes.

Question: Please clarify "Investigations" on the cost form-Is this the client approval process?

Answer: Costs for investigations may include but are not limited to costs associated with ensuring a grant fund recipient is complying with the terms and conditions of the grant agreement.

Question: Will the historical data on approved Veterinarians be provided to reduce the amount of time the selection process might take even though these same providers might not be chosen again?

Answer: A list of approved veterinarians is available upon request by submitting a Freedom of Information Law request to the Department.

Question: If a bidder does not have a 5 year history in business are they still eligible to bid the contract?

Answer: Yes.

Question: If a bidder has not had a tax year as yet, are they still eligible to bid the contract?

Answer: Yes.

Question: Can the bid be turned in prior to the due date?

Answer: Yes.

Question: Under Minimum Qualifications, the first requirement states: Information showing that you are a duly incorporated society for the prevention of cruelty to animals, humane society, animal protective association or not-for-profit corporation that has an IRS 501(c)(3) designation from the Internal Revenue Service **and that you are currently operating as an animal rescue organization, animal adoption organization, spay/neuter clinic or other entity whose core mission predominately includes state-wide efforts to manage the companion animal population in New York State.** For the bolded portion, would news articles and current pictures suffice as proof? If not, what type of proof are you looking for to show that we are in fact currently operating as an animal rescue organization, animal adoption organization, spay/neuter clinic? Or course we have our 501(c)(3), but this question sounds like it is in two parts.

Answer: It is up to the applicant to determine the information that it deems appropriate to submit and meet the requirements of the RFP.

Question: Under Minimum Qualifications, the second requirement states: Examples of prior program audits or reviews done by your organization that demonstrate your ability to establish reporting requirements and other protocols to ensure appropriate and effective use of your funds. Would detailed reports to prior funders showing how their grants were used by our programs suffice as proof for this requirement?

Answer: It is up to the applicant to determine the information that it deems appropriate to submit and meet the requirements of the RFP.

Question: There are attachments, forms and contracts attached to the RFP. Do we have to submit any of these with our Vendor Qualification Questionnaire, Minimum Requirements, Technical Proposal and Cost Component? If so, which exact attachments, forms and contracts

do we have to include with the application package by Oct. 22nd? These are the additional attachments and forms we see with the RFP now: Attachment 2, 3, Form 1,2,3, Contractor Certification and Contractor Certification to Covered Agency.

Answer: An applicant is required to submit all forms attached to the RFP and / or that are required by the RFP.

Question: Under Scope of Services, does the statement “This Program will operate throughout New York State excepting New York City” imply that groups/organizations within the 5 boroughs of New York City do not qualify to submit a proposal?

Answer: Eligible entities (as defined in the RFP) located within the 5 boroughs of New York City can submit a proposal in response to the RFP.

NEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS
ADMINISTRATIVE SERVICES
FOR THE
NEW YORK STATE ANIMAL POPULATION CONTROL PROGRAM
ADMINISTRATIVE COST FORM

In providing the administrative services cost for each year of the 5 year contract, base the cost on the assumption that \$1 million will be available from the animal population control fund for each year of the contract. This cost must be expressed as a percentage of the amount available under the contract which will be retained by the administrative entity to provide the administrative services under the contract. The cost must include all costs related to administrative services, including, but not limited to, salaries, wages and benefits, travel, supplies, postage and delivery, marketing, and overhead costs.

Year	Administrative Cost (expressed as a percentage)
2011	%
2012	%
2013	%
2014	%
2015	%

Proposer Name

Signature of Proposer's Authorized Representative

Print Name and Title of Person Signing Above

Date

