

RFP 13-005-84 GREENPRINT SUBPLANNING AWARDS

QUESTIONS AND ANSWERS

I'm writing to request a clarification regarding the Greenprint Sub-Planning RFP, specifically related to the following statement: "the maximum award amount per project and per consortium organization is \$50,000."

The implication is that an organization can only be the lead entity on one \$50,000 funded award.

Is the entire University of Memphis considered as a single "consortium organization?" I imagine that there might be several community groups or non-profits that might want to partner with various U of M departments in responding to the RFP. If the University as a whole is the single "consortium organization" (meaning University faculty or department can only take lead on a single RFP response) the ability of the U of M to participate would become quite limited. Alternatively, is each Department or Division at the U of M a consortium organization? Is each individual faculty member a consortium organization?

I did, in fact, submit a separate and individual Mid-South Greenprint Consortium Agreement Form with my name as primary contact and the Graduate Program in City & Regional Planning as the organization – so that we would be eligible to participate in the sub-grant awards. However, I do not see our specific organization listed on "Attachment B: Consortium Membership"
<http://shelbycountyttn.gov/DocumentCenter/View/12934>

The entire University of Memphis is considered as a single consortium organization. The University of Memphis joined the consortium on August 13, 2012 by signature of President Shirley Raines. All departments and programs of the University of Memphis are covered under this agreement. You are correct that an organization can only be the lead entity on one \$50,000 funded award. However, an organization may be a sub-consultant on multiple awards. In addition, there is no limit to the number of proposals that can be submitted by a single consortium organization. Although this may appear to limit the University of Memphis as a lead entity, we hope to use this process to involve as many of our consortium organizations and encourage collaboration as much as possible in the sub-planning phase of the project.

Thank you for your reply.

First, I urge you to reconsider this interpretation. The University of Memphis is a vast entity and I know that many faculty members from multiple departments are involved with various Greenprint Working groups. Not only does this interpretation mean that only one of us can have a successful application as a lead organization, but it also can lead to potential disqualification of worthy projects. It is possible (perhaps) likely that multiple faculty members will be working with community groups or nonprofit stakeholders to apply for funding. You might end up with multiple departments submitting as lead entities unaware that others are doing the same.

Second, why is the separate and individual Mid-South Greenprint Consortium Agreement Form that I submitted on March 4, with my name as primary contact and the Graduate Program in City & Regional Planning as the organization, not valid?

Thank you for your attention.

We are aware of the size of University of Memphis and the potential for multiple bids coming from the University. First, you may consider convening your colleagues at the University who are involved with the Greenprint to discuss potential bid opportunities as well as opportunities for collaboration across departments or programs. Second, you may consider approaching other consortium organizations about serving as the consultant or service provider (in this case, the sub-consultant or subcontractor) for a project of interest to their organization (wherein they serve as the lead).

The \$50,000 maximum per organization applies only to the lead. Although the service provider may receive most or sometimes all of the funds, the funding award is given to the lead organization. As stated previously, our hope is that this process will involve and include as many of our consortium organizations and encourage collaboration as much as possible.

The University of Memphis as a single entity joined the consortium in August 2012 by signature of the president. Since the University of Memphis would be the contractual entity, additional agreements from individual departments would not be valid for contractual purposes.

If MHA has the EOC number already, can HCD use that one? If not, who at the City do we need to get with? I am assuming that HCD cannot do the EOC registration for the entire City of Memphis government. Please advise.

Vendors submitting bids for RFP # 13-005-84, Greenprint Sub-Planning are exempt from Shelby County Government's EOC requirement.

So, is a living wage required and permitted?

A living wage is not required.

Can one non-profit apply as the lead non-profit on two sub-grants? The idea would be to build a solid team around us and we would manage the grants. We would sub-contract with the appropriate professional firm(s) to do the core work and those firms would be partners in the application. That is a very easy process for a non-profit familiar with and very good at grant management as we manage multiple grants on a regular basis.

One non-profit (or consortium member organization) can apply as the lead on two proposals, but the maximum amount that can be awarded for a single consortium organization serving as the lead is \$50,000. The idea of building a team and subcontracting to professional firm(s) is what we encourage. However, we are seeking to include as many consortium organizations as possible in the funding, which is why set the award cap at \$50,000 per consortium organization serving as the lead.

Were you able to find out whether or not a 501-c6 organization will qualify for the grant application?

We are issuing an addendum to the RFP, which will clarify that all federal 501(c) designations (including 501(c) 6) are applicable classifications of non-profit organizations for the sub-planning awards.

Does the contact name on our EOC application have to be the same name we'll use for the lead contact on the RFP? I ask because when CBU enters into contracts our VP of Administration and Finance has to sign off on that, whereas someone from our sustainability committee will most likely oversee any possible grant.

Per Carolyn Griffin in EOC, the vendors name on the application and the vendors name on the bid must be the same but the contact names do not have to be the same. All we ask is the person who signs the bid is legally able to bid the company to a contract.

The Sierra Club is looking to work with another local non-profit and submit a proposal for a Greenprint Substudy. Unfortunately, this non-profit does not meet the Living Wage requirement. Can there be any exception allowed for non-profits?

The living wage requirement is no longer a part of our bid specifications for this RFP or any subsequent bid. The Shelby County Commission today passed on the third reading a resolution removing that requirement from our purchasing policies and procedures.

The living wage requirement is no longer valid.

1. Was our EOC application received and what is the expected time of reply?

An EOC number will not be required for this RFP. If you want to check on the status of an EOC application, please call EOC @ 901-222-1100 and ask for Carolyn Griffin.

2. Are we required to have a vendor number? If so, how do we apply for that?

You are not required to have a vendor number to bid.

3. Is the livable wage the maximum we are allowed to pay for a position, or are we allowed to pay a comparable salary based on an industry average for said position?

The living wage requirement is no longer valid to return a bid. The Shelby County Commission today passed on the third reading a resolution removing that requirement from our purchasing policies and procedures.

4. Lastly, we're curious to know if any feedback can be provided as to whether our grant proposal fits within the parameters provided in the RFP guidelines? We're really just looking for a "yes" or "no" answer to make sure we're on the right track. If so, I'll send a brief description to the appropriate person. If not, we fully understand.

Unfortunately, we cannot provide feedback on any specific proposal. However, applicants are asked to demonstrate how their proposal advances the Greenprint by addressing the priority funding categories, the goals and objectives of the Greenprint, and the work of at least one of the working groups. Considering these questions should provide the case for whether or not a specific proposal is on the right track.

Roots Memphis is a member of the Greenprint Consortium. We are a for-profit urban farm in Whitehaven. Just to clarify, are we, as business, eligible to apply for a sub-planning grant, or do you have to be a 501(c)(3) or other non-profit entity?

Yes, For-profit entities who are members of the Mid-South Regional Greenprint Consortium may apply, but only in cooperation, via executed memorandum of agreement and indemnity agreement, with one or more non-profit, community-based organization(s) working in the geographic area where the project is proposed.

One year ago, when we were in the process of launching our non-profit sustainable economic development incubator built around urban farms, we were invited to join the Mid-South Greenprint Consortium and to eventually apply for a sub-planning grant, to further our mission of implementing the creation of sustainable urban farms all over the region. At that time, I joined the Consortium as Wesley J. Riddle, and my co-founder joined the Consortium as Roots Memphis, while our non-profit, Roots Memphis Farm Academy, was in the emergent development stage. Roots Memphis Farm Academy is currently operating as a fiscally-sponsored project of GrowMemphis, in order to receive pass-through non-profit status while we develop our own IRS 501(c)(3) application. *I do not believe we were appropriately advised about the potential complications of applying for a sub-planning grant for Roots Memphis Farm Academy at that time.* The complication is that GrowMemphis is planning on applying for the full \$50,000 for their organization, while we would like to apply for the full \$50,000 for our organization.

So, we have myself as a member of the organization, Roots Memphis as a member of the organization, but Roots Memphis Farm Academy is not officially a member, and is a fiscally-sponsored project of another member organization besides.

Please advise how we can best position our sub-planning grant application. I believe we have to apply as Roots Memphis, but Roots Memphis must apply in cooperation with a non-profit. How should we go about doing this? Thank you for your consideration of this issue and our behalf. We have worked diligently to prepare an excellent team and submit an excellent proposal for this sub-planning grant and need to work out how we can best position our eligibility in order to do so.

For-profit organizations who are members of the Mid-South Regional Greenprint Consortium may apply, but only in cooperation, via executed memorandum of agreement and indemnity agreement, with one or more non-profit, community-based organization(s) working in the geographic area where the project is proposed.

If the for-profit Roots Memphis is interested in applying as the lead applicant, they will need to apply in partnership with a non-profit organization working in the area, such as Grow Memphis. This partnership would not count toward the \$50,000 maximum for Grow Memphis if Grow Memphis is not the lead applicant. Partnerships should be memorialized for the purpose of the grant application via executed memorandum of agreement and indemnity agreement.

Page 6, paragraph 3 -- The last sentence states that "If selected, applicant and consultant or service provider shall enter into a subcontract for services." However, on **page 7, paragraph 1** states, "The following items should be included and will not be counted against the 25-page maximum . . . letters of intent, and proposal from consultants/service providers (if applicable.)"

a. Do you want "the proposal" that one for-profit has submitted to the Lead partner?

If the services are being provided by a subconsultant and a proposal has been submitted by the service provider to the lead applicant, yes we would like to see that proposal.

b. Do you want the subcontracts/agreements entered into by the parties to be included in the proposal or AFTER selection? Page 3 appears to state that the parties shall enter into a subcontract for services AFTER selection.

Parties would enter into a subcontract for services after selection. Prior to selection, parties should enter into a memorandum of agreement and indemnity agreement.

c. Can it be stated in the proposal that upon selection, the parties will enter into agreement to provide the services detailed in the proposal?

This could be included in the memorandum of agreement.

Page 6, paragraph 3 -- Regarding the Indemnity Agreement (Attachment C), who is being "held harmless" -- the for-profits to the agreement, the non-profit partner, or Shelby County? Or in other words, is the agreement to ensure that only the Lead team member is held responsible for any damages, charges, claims, etc?

All parties of the partnership should enter into the Indemnity Agreement and hold harmless Shelby County

Page 6, paragraph 4 under Proposals -- requires that we submit a "Letter of Interest and Proposal."

a. Do we submit the Letter of Interest PRIOR to our proposal or in CONJUNCTION with our proposal?

Letter of Interest and Proposal should be submitted together.

b. If the Letter of Interest is required prior to the proposal, what is the due date?

Letter of Interest and Proposal are due August 9, 2013

Page 7, paragraph 1 -- which "organizational budget" is required, i.e., the lead organization, the non-profit or every organization on the team?

Lead applicant

Page 7, paragraph 1 -- is the "letter of intent" the same as the Letter of Interest, and if not, what is the difference?

No, letter of intent referenced in this paragraph refers to any letter of intent between parties comprising a proposal team with regard to the provision of services or intent to partner for this proposal. The Letter of Interest is from the proposal team to Shelby County Government.

It appears that ATTACHMENT C INDEMNITY AGREEMENT as posted on the Shelby Co. website for this RFP is from another project.

Should there be a blank form? Or, is this one intended to serve as an example?

It is intended to serve as an example

In order to prepare our proposal for a Greenprint substudy, I would like to request that the following information be provided to me as quickly possible:

1. Access to the Memphis Sidewalks GIS file. Additionally, any related, required city of Memphis formal request document.

For information available to the general public through one of our County agencies, a public information request would need to be made through the Shelby County Attorney's Office. To initiate a public information request, please contact Edna Ward at edna.ward@shelbycountyttn.gov.

Regarding the Project Description and Budget....Do we need to explain what the project implementation is in terms of the broad scope (and beyond the Green Print funding), or are we only to address the project/scope of services/deliverables in which we are requesting funding for?

The project description and budget should include a detailed description of the project proposed for subplanning award funding, including project goals, objectives, work plan and timeline, and intended final product (this includes scope, services, and deliverables).

The proposal should also broadly address the feasibility of project implementation including scope of implementation, responsible parties, timeline, potential funding sources, and fundraising needs in order to implement the final product or deliverable of the subplanning project, should it be funded.

I am not seeing anything in the RFP documents for the Greenprint Consortium regarding MBE/WBE or EOC requirements. Am I missing something? Thank you.

There are no EOC, MDE/WBE requirements in the RFP.

We currently do not have a vendor # or an EOC #. Do we need these numbers in order to submit and be qualified to submit an application? Or can we submit and then get an EOC or Vendor number if our project application is accepted?

You do not need an EOC or vendor number to bid on this project although we do strongly suggest you apply for both. This particular project is a little different from most other project because usually a current EOC number is required to bid.

In addition, if you are awarded a contract from this RFP you will need a vendor number to be paid so we encourage you to apply for both.

1. Is there a template available for the Memorandum of Agreements that team members submitting applications are to use with partner non-profit organizations?

See Addendum #2:

“No example or template of a Memorandum of Agreement (MOA) is provided with this RFP. Each MOA should at a minimum:

- State all parties entering into the MOA as lead applicant, subcontractors, consultants, partners, or supporters;
- Include a signature from all parties entering into the MOA;
- Describe the responsibilities of each party included in the MOA (including responsible insured party)
- Include a brief description of the project proposed (2-3 sentences); and
- Include a brief statement about why the partnership was formed for the proposal (2-3 sentences).”

2. Can you clarify the use of and how to complete the Indemnity Agreement (attachment C)?

The Indemnity Agreement is intended to memorialize each proposal partnership and ensure all parties in the partnership hold harmless Shelby County. When completing the indemnity agreement: (1) include all parties on the proposal, (2) use the recitals to describe the nature of the relationship between the parties, (3) in the recitals, describe which party will be the responsible insured party and which will be additional insured parties, (4) state all parties’ agreement to hold harmless Shelby County.

1. May we attach explanatory documents to the proposal? (e.g., maps, brochures, photographs, documents describing/illustrating similar projects in other cities). Would these documents or images be counted as part of the 25-page limit?

Yes, but these documents or images will be counted as part of the 25-page limit.

2. If the end-product of the sub-grant is a database of information, may the grantee retain ownership of the database and govern its future use and dissemination?

This may be better directed to Lee Hopson, but here is the standard language regarding RIGHTS IN DATA from the contract:

RIGHTS IN DATA

The COUNTY shall become the owner, and the CONSULTANT shall be required to grant to the COUNTY, or its successors, a perpetual, non-exclusive, non-transferable, royalty-free right, in the COUNTY'S name, to use any deliverables provided by the CONSULTANT under this Contract, regardless of whether they are proprietary to the CONSULTANT or to any third parties.

1. I found these instructions in the cover sheet for the Greenprint grant. Any idea what is meant by references? I do not recall a section or instructions in the RFP for references.

We did not request references

2. This is also from the cover sheet. I am not sure how to answer payment terms.

We prefer to be invoiced monthly

3. Does our consultant/service provider also have to prepare a separate cover sheet?

One cover sheet for the proposal is sufficient

From the example provided (Attachment C), it is still not clear how the Indemnity Agreement is to be worded if Shelby County is the party to be held harmless. The sample Indemnity Agreement provided is written to serve two private parties. The indication is the indemnification is for one of the private parties to hold the other private party harmless, and not the County.

1. Can another sample be provided with "Shelby County Government" inserted in the correct places?

2. Can the same sample show a blank line where the applicant's name goes?

3. Can the sample delete wording that is not applicable to the Greenprint circumstances?

(Item D. under Recitals does not seem relevant.)

I expect there are other applicants without legal expertise who find this confusing.

This is not a standard form we have encountered before in the County's RFPs. Hopefully, additional clarification will benefit others.

Attached is an indemnity agreement that should address all your questions. Please note, the recitals should describe the nature of the relationship between the parties involved and describe which party will be the responsible insured party which will be additional insured parties.

