

**Blue Buffers, Subrecipient Request for Proposals  
Questions and Answers  
Provided by New York State Homes and Community Renewal  
Posted: July 19, 2024**

***Q. Will letters of support be considered as a part of the proposal?***

A: Applicants are welcome to submit letters of support, however they are not required.

***Q. Does HCR have a budget spreadsheet document they would like used?***

A: A formatted budget template is not part of the application package, however as described in the budget section of the Blue Buffers Request for Proposals (RFP), we are asking applicants to submit a detailed administrative budget, including costs for vendors and any anticipated subcontractors broken out by year. The total for the combined three years should not exceed \$25.5 Million.

***Q. Is indirect cost recovery permitted in the budget?***

A: Indirect costs may be included in the proposed administrative budget. Once an awardee is selected through this RFP, a final budget will be negotiated, including allowances for indirect costs, and will be approved by RHC.

***Q. Is it accurate to assume that services such as relocation assistance should be paid for in the proposal budget – i.e., the \$25.5M - and not the capital budget?***

A: Final rules regarding eligible capital costs are still being finalized. Relocation assistance or portions of relocation assistance may be deemed an eligible capital expense. However, for the purposes of this RFP response, please provide a cost estimate for relocation services and include it in your proposed budget as an administrative expense.

***Q. Are the two 1-year extensions at no cost?***

A: The primary 3-year contract, and the two 1-year extensions are what is permissible under HTFC rules and per the terms of this RFP. The budget proposal included in your application should be for 3 years (broken out by year) and the total should not exceed \$25.5 Million. If the program extends for a 4<sup>th</sup> and 5<sup>th</sup> year, additional administrative funding will be made available, and an amended budget will be negotiated with RHC and approved by HTFC's Board of Directors.

***Q. Will multi-family properties be eligible for the Blue Buffer program?***

A: Eligible property types have not been finalized, however, residential properties of 1-4 units will be prioritized for buyouts under the Blue Buffers program.

***Q. Will non-residential properties be eligible for buy-outs under the Blue Buffer program?***

A: SECTION 58-0303 of the Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022 identifies real property as eligible for a buyout. However, residential properties of 1-4 units will be prioritized under the Blue Buffers program.

***Q. Will buyouts be limited to only priority areas? Will there be opportunities to update the initial priority areas identified via GIS analysis based on community demand and/or matching funds?***

A. RHC expects that the program will be targeted to priority communities based on criteria identified in the Environmental Bond Act. Additional mapping and identification of priority communities will be determined based on the availability of resources.

***Q. Does HCR have a sense if target communities will be concentrated to certain regions or scattered across the state? Is there a desired number of target communities?***

A. The first round of priority communities has not been finalized. The number of communities included in the Blue Buffers program will ultimately depend, in part, on the level of interest from stakeholders and residents in the prioritized communities and the average home costs in those areas.

Applications that demonstrate an ability to operate state-wide, either through joint venture relationships, vendor relationships or through existing capacity will be considered highly competitive.

***Q. Does the county or the local municipality have final say / buy-in?***

A. RHC believes that a successful program will need support from a wide variety of local stakeholders including local elected officials, community organizations and, of course, impacted residents. It is anticipated that the subrecipient/s, who may subcontract with locally based organizations, will be instrumental in helping to build these grassroots and stakeholder relationships in each of the priority communities selected for Blue Buffers.

***Q. From the Q&A session, we understand that HCR plans to pass through capital costs to the selected applicant (sub-recipient). Is that also true for paying for the property acquisition itself?***

A. The Standard Operating Procedures (SOP) for transferring funds for both property acquisition and costs associated with post-buyout land management and resiliency will be determined collectively by RHC and the subrecipient/s selected through this RFP.

***Q. Can you provide an estimate of the total capital funds that will pass through the selected applicant?***

A. As stated above, the SOP, including processes for the disbursement of funds, will be negotiated between RHC and the selected subrecipient. However, applicants should assume that an amount not-to-exceed \$250 Million will be available for the Blue Buffers program, in addition to the \$25.5 Million in administrative funding for three years.

***Q. Will the capital funds be awarded in advance of expenditure or on a reimbursement basis?***

A. This will depend on the unique circumstances related to different capital and administrative costs. However, in most state funded programs, vendors, contractors and subrecipients who perform services are paid based on a cost incurred basis.

***Q. Will Indirect cost recovery be permitted on capital funds?***

A. As stated above, indirect costs will be paid out of the administrative budget and should be included in the applicant's proposed three-year budget, with a final budget to be negotiated and approved by RHC once a program administrator is selected.

***Q. Can any personnel costs associated with the capital costs, for example coordinating and administering contracts with surveyors or demolition professionals, be funded through the bonded capital funds?***

A. This will depend on the nature of the services being provided and the role of the staff member providing the service. Managing and administering contracts is typically considered an administrative expense and thus would not be paid out of capital funds, though some direct pre-construction activities of completed projects may be considered eligible for capital funds.

***Q. Who is the actual buyer of the property? Will HTFC hold the title of the properties?***

A. This will depend on the specific community in which Blue Buffers is operating, on the proposed end-use of the repurposed vacant land, and on the needs of the entity who will serve as long-term land steward. HTFC may hold property for an interim period, if necessary.

***Q. Does the duplication of benefits need to be considered (e.g., prior flood insurance claims under the National Flood Insurance Program)?***

A. Duplication of Benefits is generally a federal requirement and does not apply to the state capital funding that will be used under the Blue Buffers program.

***Q. Will the acquisitions need attorney general or comptroller approval?***

A. This is not an anticipated requirement under the Blue Buffers Program

***Q. What are the end use restrictions envisioned? Will the sub-recipient be expected to provide guidance on this?***

A. The Environmental Bond Act specifically stipulates that land acquired as part of the Blue Buffers program shall be restored in a manner to increase ecological preservation, open space, and/or resiliency measures.

The organization/s selected through this RFP will be expected to assist RHC and the local community in determining the best and most appropriate plan for repurposing land following buyouts.

***Q: Will the state hold easements over the properties after the purchases, if not then who will? Who will be responsible for monitoring and enforcement?***

A: All land acquired through Blue Buffers will be restricted through legal covenants that will be recorded against the land. The enforcement of those legal restrictions will be determined in partnership with the Authority Having Jurisdiction where the property is located.

***Q. What if a property is sold and an intermediary group (e.g., HTFC) holds title, but it is not transferred to an ultimate organization to steward? What is the sub-recipient's responsibility here?***

A. The organization selected through this RFP will not be expected to take title to land acquired through Blue Buffers, either on an interim or long-term basis. They will, however, be expected to assist RHC in identifying appropriate long-term stewards for the land acquired through Blue Buffers and to assist with negotiating the terms of the future use and resiliency measures to be implemented.

***Q. Are there any criteria or restrictions for who can be final land owners/stewards?***

A. The Environmental Bond Act statute states real property purchased with funding pursuant to this program shall be property of the state, municipality, or a not-for-profit corporation. As stated above, land acquired through Blue Buffers must be restored to increase ecological preservation, open space, and/or resiliency measures, so it generally must remain free of residential or commercial development in perpetuity. RHC will work with the subrecipient selected through this RFP to establish the criteria for eligible long-term land stewards prior to program launch.

***Q. What frequency of financial reporting is required? Is there any flexibility on the monthly expenditure reporting?***

A. Monthly reporting will be required to draw administrative funds on a cost-incurred basis.

***Q. Will tribal nations/indigenous communities be eligible to be final land-owners?***

A. As stated above, the RHC team and the subrecipient will work together to establish eligibility criteria for land acquisition and stewardship.

***Q. Will the State indemnify the sub-recipient and add them as an additional insured on their insurance?***

A. In no circumstances does the state indemnify subrecipients in any of our grant or lending programs. HTFC does require subrecipients and vendors to have insurance policies that meet the states criteria. These requirements will be provided to the subrecipient once they have been selected and contracting is underway.

***Q. Task 1 includes "Evaluating identified priorities for serving low-income and socially disadvantaged communities." Are there any specific documents or policies in mind?***

A: The New York State Climate Justice Working Group (CJWG) developed criteria to identify disadvantaged communities to ensure that frontline and otherwise underserved communities benefit from the state's historic transition to cleaner, greener sources of energy, reduced pollution and cleaner air, and economic opportunities. These communities are prioritized for investment from the Environmental Bond Act. Applicants should provide answers that illustrate familiarity with these communities and with the factors that result in this designation. Applicants should also describe their experience working in similar communities.

A map of Disadvantaged Communities can be found at :

<https://www.nyserda.ny.gov/ny/Disadvantaged-Communities>

**Q: Task 1 data support (p.3) – states that the sub-recipient would “assist RHC to identify green and gray infrastructure projects that could mitigate the need for buyouts.” Would the sub-recipients involvement go beyond the buyouts, looking at other State projects in lieu of this program? Can you say more about the level of detail at which this task should be carried out and the role of this program in implementing projects of that nature?**

A. Given the resources for the Blue Buffers program, and the challenges related to buyouts, RHC is dedicated to exploring all options for mitigation in priority communities, including green and grey infrastructure interventions. While the Blue Buffers program is solely dedicated to funding costs associated with buyouts and land stewardship, there are other federal and state agencies, as well as county and municipal agencies that should be consulted regarding what alternatives, if any, may be planned or viable related to climate adaptation.

RHC expects the subrecipient/s selected under this RFP to serve as a partner in researching and exploring where these alternatives may exist and play a lead role in educating communities about these interventions.

**Q. Task 2a iii states “forming partnerships with local community-based organizations.” Can you say more about the nature of those partnerships? Would it be between the state and the community organization? Would the sub-recipient be party to the partnership?**

A. RHC is committed to ensuring successful community engagement through establishing relationships with locally based organizations that have pre-existing relationships in the priority communities and who have a deep knowledge of the issues facing local residents.

Yes, the subrecipient will likely be expected to formalize relationships with local community-based organizations in the priority communities selected for Blue Buffers to assist with this engagement.

**Q. Task 4 states “Conduct real estate closings on behalf of RHC.” Can you say more about the State’s standards for due diligence for closings?**

A. The subrecipient selected through this RFP will be expected to work with RHC staff, and particularly our legal department, to ensure that all real-estate transactions are carried out in accordance with state and federal laws, particularly consumer protection laws. A formal policy manual will be developed by RHC and the subrecipient which will dictate the protocols for carrying out real property acquisitions. The subrecipient will also be expected to bring on legal counsel (either in house or through a vendor relationship) to assist with all real-estate closings.

**Q. The RFP and the 7/10 info session indicate this will be a state-wide program, and Task 2 calls for direct community, as well as local government, engagement. Does RHC envision one subrecipient covering the entire state, or would the program be administered by multiple subrecipients covering different regions? Our organization, Project Rebuild Inc. (“PRI”) acted as a subrecipient for NYC’s CDBG-DR buyout and acquisition funds following Hurricane Sandy, and administered the City’s Build It Back Buyout, Acquisition and Resettlement Incentives Program. As a result of PRI’s work, as well as through PRI’s affiliated entities Neighborhood Restore and Restored Homes, we have extensive connections within NYC government, non-profits, and contractors/vendors. We do not have these same connections in other areas of the State,**

***however, but are open to exploring ways to partner with other organizations with roots in other areas who can bring their own local connections and experiences to the program.***

A. As stated in the RFP, RHC is looking for a program administrator who can manage the Blue Buffers program in any community across New York State. However, as stated in the RFP, partnership applications will be accepted, as well as subcontracts and vendor relationships that clearly specify roles and responsibilities of each of the proposed team members.

***Q. Have target areas for the program been identified? We understand that part of Task 1 is to identify priority areas for program, but does RHC already have general regions in mind as to where program activities may be carried out? We understand the significant need for this program within NYC, especially through our PRI work, and know that our experience and connections would be best suited within the City. Furthermore, does RHC have a general idea of the volume of buyouts to be completed through the program would be? If so, would buyouts likely be more concentrated in certain areas, or somewhat evenly dispersed throughout the state?***

A. The priority communities have not yet been finalized. As stated above, RHC anticipates that this process will be iterative and the number of communities included in Blue Buffers program will ultimately depend, in part, on the level of interest from stakeholders and residents in the prioritized communities. However, applications that demonstrate an ability to operate state-wide, either through joint venture relationships, vendor relationships or through existing capacity, will be considered highly competitive.

***Q. Does RHC have any preference in terms of whether an applicant intends to carry out all or most of the Tasks independently, or are partnerships viewed more favorably. Our organizations had deep experience in NYC's affordable housing space as well as direct experience administering a buyout program. This experience would directly apply to Tasks 3 and 4, though we would likely need to seek additional partners to complete Task 1, as well as a technical/software partner to develop a web portal/application.***

A. RHC does not have a preference with respect to singular or partnership applications, provided the team members' roles and responsibilities are clearly laid out in the application. In addition, RHC expects that applicants may need to establish vendor or subcontractor relationships to carry out some of the tasks identified in the RFP. Applicants should spell out which tasks will be handled in-house, which will be handled by applications partners, or by vendor and/or subcontractors, and ensure that the budget proposal includes cost estimates for each administrative task. Finally, applications should explain how the applicant or application team will have the capacity to work anywhere in New York State depending on which areas are selected as priority communities.

***Q. We understand this to be a subrecipient model. Would this mean drawdowns would be made on a cost-incurred or reimbursement schedule, or would allocations for certain activities be funded upfront? In our experience with PRI and the Build It Back Program, funding for acquisition and demolition activities were provided upfront in order to further streamline the land clearing and restoration process.***

A. As referenced above, this will depend on the unique circumstances related to different capital and administrative costs. However, as is standard in most state funded programs, subrecipients and vendors who perform services will likely be paid on a cost incurred basis.

***Q. Would all activities carried out by the subrecipient and/or subcontractors for the program be fully funded through program? Are there any program aspects that are anticipated to be funded by other means? Based on our prior experience through the Build It Back program, we would classify program expenses as follows: administration; acquisition (title, legal); property management (fencing, regular maintenance (snow, grass, dumping, etc); and demolition (permits, hard costs, etc). Would all such activities be funded through the program?***

A. All costs associated with the Blue Buffers will be paid for out of the program funds (capital and administrative). However, both capital and administrative funds are limited to what is stated in the RFP and applications should provide proposed budgets that fall within the those parameters.