

The Nassau County Department of Public Works (DPW) encourages Minority and Women-Owned Business Enterprises (MWBE) and Section 3 Participation in the Nassau County Police Department (NCPD) 4th Precinct Station House and the NCPD 8th Precinct Station House Projects. To support participation, a Pre-bid Meeting was held at 1:00 p.m. on Tuesday August 18, 2015 in the Legislative Chamber in the Theodore Roosevelt Executive and Legislative Building, 1550 Franklin Avenue, Mineola, New York 11501. The following written questions and responses to questions posed during the Pre-bid Meeting are offered to provide the information to people that were able to attend the August 18, 2015 Pre-bid Meeting as well as to provide the information to anyone that was unable to attend the August 18, 2015 Pre-bid Meeting. The questions asked during the meeting are shown in bold font and the answers to the questions are shown in plain font under each question. The Pre-bid Meeting was followed by an MWBE/Section 3 Networking Session.

The Pre-bid Meeting sign-in sheets, any business cards collected during the meeting and this Q and A sheet will also be available via Addenda and on the DPW's website at: (<http://www.nassaucountyny.gov/2291/Public-Notices>)

1. Where is the disconnect with MWBE participation and not meeting goals? Are there not enough of us?

Nassau County is taking many steps and working in many different ways to encourage MWBE participation. As an example, Nassau County posts the sign-in sheets, any business cards collected and these Questions and Answers from the Pre-bid meeting on its Department of Public Works' website and includes all of these documents in Addenda 01 in an effort to assist prime contractors with locating qualified MWBEs. The County also hosts these outreach events and we encourage everyone to stay after to network. This project involves federally funded dollars and these are encouraged goals. Nassau County emphasizes the importance of these goals and encourages MWBE participation.

2. For Section 3 employees, how is coordination with the Unions done?

We have spoken with the Union halls on previously bid projects and they are aware of the CDBG-DR funding and that additional projects involving this type of funding are coming down from the state. We will help facilitate any meetings of that nature. We are trying to encourage their participation through apprenticeship programs. That's one of the things to keep in mind as you put your bid together; you have to rely on the unions halls but they have put in good faith efforts and the County believes they will do so moving forward.

3. The Construction Management Request for Proposal (RFP) for the 4th precinct has already been completed. Has it been awarded yet?

No it has not been awarded yet. Currently, the responses are due on August 21, 2015. Addenda for the precincts will not include updates for Construction Management.

4. On the MWBE in the past with NYC and NY State, they've run everything a little differently with each project—they view Joint Ventures (JVs) differently. Does

GOSR have a way they are addressing, for compliance purposes, MWBE's forming JVs with a Prime?

GOSR encourages Joint Ventures and adheres to the rules and regulations corresponding to Article 15-A of the New York State Executive Law.

Per (Title 5). Department of Economic Development (Chapter XIV). Division of Minority and Women's Business Development (Part 140). Definitions:

Section 140.1. Definitions

(s) Goals. The term referring to the percentage of aggregate agency expenditures targeted for the participation of certified minority- and/or women-owned business enterprises sought to be included in State procurement opportunities as prime contractors, subcontractors, suppliers, consultants, joint ventures, teaming agreements, or other similar arrangements. Goals may be expressed as, agency-specific or contract goals.

(u) Joint venture. A contractual agreement joining together two or more business enterprises, one of which is a certified minority- or woman-owned business enterprise, for the purpose of performing on a State contract. The certified minority- or woman-owned business enterprise must provide a percentage of value added services representing an equitable interest in the joint venture. All parties agree to share in the profits and losses of the business endeavor according to their percentage of equitable interest.

Per (Title 5). Department of Economic Development (Chapter XIV). Division of Minority and Women's Business Development (Part 142). Requirements and Procedures Regarding Participation by Certified Minority- and Women-Owned Business Enterprises on State Contracts:

Section 142.4. Utilization plans.

(c) In the event that a contractor responding to a State agency's solicitation is a joint venture, teaming agreement, or other similar arrangement that includes a certified minority- and women-owned business enterprise, such a contractor must submit the following to the State agency for its review and approval:

- (1) the name, address, telephone number, and federal identification of each partner or party to the agreement;
- (2) the federal identification number of the joint venture or entity established to respond to the solicitation, if applicable;
- (3) a copy of the joint venture, teaming agreement, or other similar arrangement, which describes the percentage of interest owned by each party to the agreement and the value added by each party; and
- (4) a copy of the mentor-protege agreement between the parties, if applicable, and if not described in the joint venture, teaming agreement, or other similar arrangement.

5. How does that fit, because a number of times the MWBE will be pushed out of a JV so that a Prime Contractor can meet their goal.

GOSR goes with the JV relationship that you come with as long as the MWBE has the portion of the participation goal and actively works on the project.

6. The Prime doesn't count as an MWBE, correct?

If the General Contractor is an MWBE, whatever participation you are putting toward that bid amount, whether prime or sub, it counts.

7. If the general contractor is an MWBE, that counts for the whole contract?

If the general contractor is both a minority- and women-owned business enterprise, only one certified status can be utilized toward satisfying the goals set forth for MWBE participation.

Per (Title 5). Department of Economic Development (Chapter XIV). Division of Minority and Women's Business Development (Part 140). Definitions:

Section 140.1. Definitions

(tt)(2) An enterprise owned by a minority group member who is also a woman may be certified as a minority-owned business enterprise, a women-owned business enterprise, or both, and may be counted towards either a minority-owned business enterprise goal or a women-owned business enterprise goal, in regard to any contract or any goal, set by a State agency, but such participation may not be counted towards both such goals and may not be divided between the minority-owned business enterprise goal and the women-owned business enterprise goal by a State agency.

8. If the Total Goal is 30%, how is that broken down between MBE and WBE? Can it be 30% MBE?

The way the goals are written in Exhibit E is 15% MBE and 15% WBE.

9. Is there a possibility to assist LiRo in their participation goals for Section 3?

LiRo is going into construction phase services if an individual is an architect or an engineer that fits the Section 3 requirements and has experience with construction phase services submit your resume to our (LiRo) human resources department.

10. Are there any Section 3 companies that are union as well?

Check the DPW website for Section 3 businesses that have signed in for this and past events.

There are Section 3 Businesses such as security agencies and cleaning agencies that participated in the pre-bid meeting and networking sessions for the Barnes Avenue SSO Correction Project and the Bay Park Phase E3 project.

11. Are the cleaning companies union?

If you go on the database there are 40 plus firms.

<https://portalapps.hud.gov/Sec3BusReg/BRegistry/BRegistryHome>

12. When there is a Project Labor Agreement (PLA) on the Project it makes it harder to comply. If we could get the Union people and the Section 3 people together sooner that makes the Prime Contractor's life easier.

We have tried during the PLA process to let the Unions know that these goals are attached. This is now our 3rd and 4th project, so they should be aware by now and we will continue to do that outreach with them.

13. A networking forum like this would be a tremendous help for the Section 3 and Unions.

The County will continue to work on that.

14. I don't think the second tier counts towards the participation goal?

Vendors are still qualified toward that 10%. Whatever you put on that bid proposal counts towards your participation goal.

That is considered second tier but if you are buying that material directly from a company in Nassau County that is Section 3, it counts toward your participation goals.

Nassau County encourages this and this is what we want to see in your proposals. The purpose of these goals is to promote participation.

15. What is the budget?

The budget hasn't been advertised. It is \$20 Million for the 8th Precinct and \$12 Million for the 4th Precinct; \$32 Million overall.

16. How are you supposed to reach the Section 3 goal?

30% of New Hires and 10% contract dollars for Section 3. The MWBE and Section 3 are counted separately so a company that is both Section 3 and an MWBE can count toward both of your goals.

17. If Primes are paid in 30 days do they pay their subs in 30 days?

We have met with the Nassau County Comptroller and let them know the state has set expectations regarding payment turn-around-time.

18. Do we have a 30 day commitment for payments from the Comptroller?

We have met with the comptroller, to explain that these are grant funded projects. We are monitored by the state, they do push payments forward. On the FEMA side with the Bay Park projects we are on a 30 to 45 day window. We have broken out change order projects, as that process takes a little longer. If contractors are willing to do that and submit payments on the original schedule of values those payments have moved quicker depending on the proper requirements being met. It all depends on the documentation, as there is a pre audit on every payment request to make sure that the requirements have been met. Elation Systems will help the contractor to meet those requirements from HUD. We have weekly, monthly, and quarterly reports that we can review. Because of that we can catch pretty quickly if there is a breakdown in the payment system.

19. Can you elaborate on the paper trail of documents the County is going to require for submitting for payment requests?

Elation Systems is going to be the primary tool. All prime contractors and their subs are required to use this tool. You may want to read up on GOSR's website about the product itself. If done correctly, it is a wonderful tool that the Comptroller can rely on for information to expedite payments. I would tell you to focus in on that Exhibit E to tell you

what front end documents are needed and you need to be aware of those requirements. Submit any questions to the County in writing and answers will be issued via Addenda.