

## Questions and Answers

- Q1.** If we cannot find a suitable MWBE certified vendor, can we use our prior vendor which is on state contract?
- A.** If you cannot find a suitable NYS Certified MWBE vendor, you may purchase from another vendor which is on state contract. That being said, if there are available NYS Certified MWBE vendors on state contract, regardless of geographic region, they should be the chosen vendor, because you have the *discretion* to select a MWBE. Of course, there will be instances when a MWBE vendor outside of your region may be cost prohibitive. If so, that may be a valid reason to exclude those award dollars from your discretionary NPS budget in consult with the contractor/grantee. DCJS is making that determination individually for each grant award. Keep in mind, grantees must follow their procurement laws and rules at all times. The MWBE program is not changing that. Where a contractor/grantee has *discretion* to purchase from a MWBE, they should do so.
- Q2.** I read the new RFP for counties to acquire video recording equipment, and saw that there is an allowance for upgrades to existing equipment. I also read that this is a one-time grant. Are counties that previously received money from this grant to install video recording equipment eligible or ineligible to apply for funds to upgrade the equipment they purchased?
- A.** A county would be eligible to apply again on behalf of police departments that do not currently have equipment, as well as to acquire replacements for non-functioning equipment you've already received state funding for or for upgrades such as wiring to improve functionality.
- Q3.** Can you please advise if in-car cameras are a part of the 2013 Video Recording of Statements Equipment Grants Request for Application (RFA)?
- A.** In-car cameras are not part of the 2013 Video Recording of Statements Equipment Grant Request for Application (RFA).

- Q4.** Would a campus police agency be an eligible law enforcement agency to receive funding? We have state (SUNY) university/colleges in Buffalo as well as private college/university police?
- A.** This grant program is intended for district attorneys and municipal police agencies, with priority given to those that currently do not have equipment and those in need of upgrades to ensure proper functioning. However, if you submit an application for a school agency and you demonstrate that they would be doing interviews of suspects on serious cases, we will consider funding them if additional money is available.
- Q5.** We took advantage of this the last time it was offered and covered every police agency in the County, but we were not able to take care of our four substations. Will this be something we would be able to apply for again?
- A.** The DA's Office could put in an application for the four substations.
- Q6.** Is there a specific way in which the purchases of equipment need to be made? Can all of the equipment be purchased by the District Attorney's Office (DA's Office) and then the DA's Office distributes the equipment to the local agencies identified in the RFP; or can each local police agency purchase their own equipment from a single vendor and then get reimbursement from the District Attorney's Office as we did on the last grant?
- A.** Purchases are governed by an entity's procurement laws and regulations. It is acceptable to DCJS if either the DA's Office or the individual PDs purchase the equipment.
- Q7.** If the DA's Office purchases the equipment and distributes it to the police departments, do the police departments have to fill out the two MWBE forms-1. The "Local Assistance MWBE Equal Employment Opportunity Staffing Plan" and 2. The "Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form."
- A.** Each police department is required to complete the forms. If the DA's office is unable to obtain the forms for all departments prior to submission of their RFA application, DCJS will require them before the contract can be executed.

- Q8.** Does the vendor have to fill out the above two MWBE forms?
- A.** MWBE forms are required from the grantee and each subcontractor. There may be instances when they may be required from a supplier, but these will be determined on an individual basis. For equipment purchases, a vendor typically would not be required to complete the MWBE forms.
- Q9.** In the past, the DA's Office has used a State Contract vendor for all of the equipment. If the certified MWBE vendors on the State website are not appropriate for our purposes or because of cost, can we use a vendor on the State Contract? Do we have to supply any proof of the efforts we have made to identify a certified vendor? Do we have to go out for bid?
- A.** Grantees must follow their procurement laws and regulations at all times. The MWBE program is not changing that. If your procurement regulations dictate purchasing from a state contract, an entity would still comply with that mandate. Where a contractor/grantee has *discretion* to purchase from a MWBE, they should do so. That being said, if there are available NYS Certified MWBE vendors on a state contract, regardless of geographic region, they should be the chosen vendor, because there is *discretion* to select a MWBE. There may be instances when a MWBE vendor outside of your region may be cost prohibitive. If so, that may be a valid reason to exclude those award dollars from your discretionary NPS budget. This must be done in consult with DCJS during the application stage.

In the event, an organization is not required to purchase from a state contract, MWBEs should be considered during the procurement process. Contractors/grantees must follow the bidding requirements delineated in the RFA and/or contract. When expenditures are not governed by bidding requirements, a grantee/contractor has purchasing *discretion*. In this instance, MWBEs should be considered during the procurement process. Grantees/contractors must document, and provide upon request, their good faith efforts utilized to provide meaningful participation opportunities to MWBEs.