 June 2018

**DOES YOUR AGENCY HAVE AN ACADEMIC RESEARCH NEED?!**

***Hey!*** If someone at your agency has mentioned a need for faculty-directed applied academic research, and your agency would like to avoid going through a stand-alone RFP process that can take a fair amount of time, you should know about the Town+Gown Master Academic Consortium Contract, for which Town+Gown/New York City Department of Design and Construction (**DDC**) is the administrator (the **Master Contract**), that can take as little as 90 days from the submission of a Town+Gown RFP (defined below) to Town+Gown/DDC, as administrator of the Master Contract, to Task Order registration, assuming everyone keeps to a schedule and you are aware of those circumstances, which we have learned from experience, that can increase complexity and add time to the process. This document is intended to provide information to both program and ACCO staff at your agency about the Master Contract for the moment when someone at your agency mentions a need for faculty-directed research.

This document is intended, in conjunction with the instruction memos preceding all template form documents (Town+Gown RFP, Proposal in Response and Task Order) that are downloadable at the Town+Gown website (<http://www1.nyc.gov/site/ddc/about/town-gown-components.page#funded>), to provide Requestors with all the information they will need to access the Master Contract. Town+Gown/DDC, as administrator of the Master Contract, however, is available to provide additional guidance, if necessary; please contact Terri Matthews, Director, Town+Gown (matthewte@ddc.nyc.gov) or Nicholas Mendoza, DDC’s ACCO (MendozaNi@ddc.nyc.gov).

And, if someone at your agency has mentioned a need for faculty-directed research, please see the *Notification of Intent to Use the Master Contract* form in Appendix A to this document—it is important to send it to Town+Gown/DDC as soon as your agency intends to access the Master Contract.

***A little about Town+Gown.*** Town+Gown is a city-wide university-community collaboration program at DDC that brings academics and practitioners together to create knowledge in the built environment. Town+Gown’s **Action Research** component consists of a **Service (Experiential) Learning** model of university-community collaboration, and a **Faculty-Directed Research**model of university-community collaboration.

To learn more about Town+Gown, please go to our website at: <http://www1.nyc.gov/site/ddc/about/town-gown.page>.



**Bringing Academics and Practitioners Together to Create Knowledge in the Built Environment**

***Faculty-directed Research Model of Action Research and the Master Contract.*** Once Town+Gown got underway with its **Service (Experiential) Learning** model of **Action Research**, it became clear that we needed a **Faculty-directed Research** model that would include an easy-to-use and quick procurement vehicle for agencies to procure faculty-directed applied academic research. Town+Gown/DDC used the Procurement Policy Board (**PPB)** rules Section 3-12 ***“innovative procurement”*** method to create the Master Contract, which is a city-wide master contract for faculty-directed applied academic research services, utilizing task orders for particular academic research services with a consortium (vendor) pool of academic institutions (the **Academic Consortium**). The 15 academic institutions in the Academic Consortium are:

* [Brooklyn Law School](https://www.brooklaw.edu/)
* [City University of New York](http://www2.cuny.edu/)
* [Columbia University](http://www.columbia.edu/)
* [Cornell University](https://www.cornell.edu/)
* [Drexel University](http://drexel.edu/)
* [Fordham University](http://www.fordham.edu/)
* [Manhattan College](https://manhattan.edu/)
* [New York Institute of Technology](http://www.nyit.edu/)
* [New York University](http://www.nyu.edu/)
* [Pace University](http://www.pace.edu/)
* [Pratt Institute](https://www.pratt.edu/)
* [State University of New York](https://www.suny.edu/)
* [The Cooper Union](http://cooper.edu/)
* [The New School](http://www.newschool.edu/)
* [Tufts University](http://www.tufts.edu/)

Any combination of city agencies, state agencies and certain not-for-profit corporations (collectively, the **Requestor**, as defined in the Master Contract as a Requesting City Agency, a Requesting Public Entity and any combination of either or both) can utilize the Master Contract by submitting a request for proposal under the Master Contract (the **Town+Gown RFP)** to Town+Gown/DDC, as administrator of the Master Contract, for Town+Gown/DDC to transmit to the Academic Consortium institutions.  The Academic Consortium institutions would respond with their respective **Proposal in Response**, and the Proposal in Response selected by the Requestor would become the **Task Order** for the research project.  The Master Contract provides an option for the Academic Consortium institutions to respond with a No Bid Response form in lieu of fielding a Proposal in Response. The Town+Gown RFP, Proposal in Response and Task Order documents are in template form with instruction memos and all are posted on the Town+Gown website at the link above.

Features of the Master Contract and the template form documents permit:

* Requestor program and ACCO staff to focus on their research needs, project scope and required deliverables
* The 15 Academic Consortium institutions that form the Master Contract vendor pool to function as a pre-qualified list, with competition taking place at the Task Order level
* The responding Academic Consortium institutions to focus on their research capacities and responses on the project scope and deliverables
* The resulting Task Order to focus on the research project only, with all general contract provisions already in the Master Contract
* Joint proposals among Academic Consortium institutions to increase response rate from Academic Consortium institutions
* A fast-tracked process that *can* be as quick as 90-days

***Research Projects Awarded to Date under the Master Contract.***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Academic Year | Research Project | Academic Institution | Agency | Funded Amount |
| 2014-2015 | Charrette review of study alternatives for BQE triple cantilever structure (complete)  | NYU/Tandon | DOT | $50,000 |
| 2015-2016 | Equity in Design (complete)  | Pratt/Architecture | DDC | $50,000 |
|  | Service Design  | Tufts/Planning | DDC | $50,000 |
|  | Building Information Models (complete) | Pratt/Architecture | DDC | $50,000 |
|  | Healthy Living Design (complete) | Tufts/Planning | DDC | $50,000 |
| 2016-2017 | Wind study required by Local Law 81 of 2013 (award; not yet registered) | CUNY/CCNY-Grove | DOB with Mayor’s Office | $561,321 (HUD CDBG funds) |
|  | Smart Traffic Analysis Symposium (complete) | NYU/Tandon | DOT | $50,000 |
|  | Risk management study  | Tufts/Planning and Columbia/Engineering | DOB | $120,000 |
| 2017-2018 | Citywide stormwwater resiliency study | CUNY/Brooklyn | DEP with Mayor’s Office | $1,786,593(HUD CDBG funds) |

***Things to Know If Your Agency Wants to Use the Master Contract.***

* The Requestor uses the Master Contract by submitting a Town+Gown RFP (See link above to Town+Gown website for template Town+Gown RFP) for its research project to DDC, as administrator of the Master Contract, for DDC to transmit to the Academic Consortium institutions’ representatives. See also *Notification of Intent to Use the Master Contract* below in Appendix A to this document*.* It is important to remember that when the Requestor uses the Master Contract, it is the Requestor’s procurement and not DDC’s procurement. Thus, the Requestor, through its ACCO and agency program staff, controls the development of the Town+Gown RFP, *like all other Requestor procurements*. When the Requestor includes the Office of the Mayor, it is important to know up front that the Office of the Mayor does not, as a matter of policy, handle procurements of this nature and its small ACCO staff generally does not have the capacity to handle procurements of this nature. *Thus, the ACCO office at the city agency that is part of the Requestor should assume that it will handle the entire procurement when the Office of the Mayor is also part of the Requestor. The need to coordinate drafting and review when the Office of the Mayor is part of the Requestor will have an impact on the 90-day period.*
* While the Master Contract refers to “built environment” research, you should know that the concept of the “built environment” can be expanded to include all kinds of research projects. At the minimum, it should relate to something physical (as opposed to metaphysical), but with the advent of the multi-disciplinary “service design” field, which focuses on delivery of services to the user derived from the user’s perspective, much that would not appear to relate to the built environment can be related to it. Everything that city agencies do happens in a physical structure or requires or uses physical infrastructure in some way. Until a master academic consortium contract is developed specifically for the area of human service program delivery, please do not be put off by the use of the term “built environment”—it is possible to be creative to make the Master Contract work for your agency’s research project.
* **Requestor’s ACCO staff must do the following things *before* the first 30-day period** **runs . . .**

There are items ACCO staff at the Requestor must focus on as soon as possible after program staff has indicated a desire to do academic-based research and during the run-up period to finalizing the Town+Gown RFP:

* + *Notification of Intent to Use the Master Contract.* Please use the notification form in Appendix A of this document to notify Town+Gown/DDC (Terri Matthews, Director, Town+Gown (matthewte@ddc.nyc.gov ) or Nicolas Mendoza, DDC ACCO (MendozaNi@ddc.nyc.gov)) when you know that your agency’s program staff is serious about using the Consortium Contract for a Research Project. If the Research Project is for an amount that is greater than $200,000, please indicate in that notice that your agency either has complied with or will be complying with the requirements of LL 63 (see below) and send a copy of the LL 63 separate notice or disclosure in the annual plan. If the Research Project is less than $200,000, please indicate such in the notice, and that the requirements of LL 63 do not apply.
		- *About LL 63.* If the allocated amount for the Research Project is greater than $200,000 and the Requestor did not include a LL 63 disclosure on the agency’s LL 63 annual plan, the Requestor must put a notice of the Town+Gown RFP in The City Record as soon as program staff is contemplating academic research, so that the required 60-day period can run. If you are aware of your agency’s general need for academic research in any year, you can include LL 63 disclosure on your agency’s LL 63 annual plan on a prospective basis, so this is already in place.
		- *We Need to See the LL 63 Notice or Disclosure.* Please send a copy of your agency’s LL 63 notice or prior disclosure in your agency’s LL63 annual plan to Terri Matthews, Director, Town+Gown or Nicolas Mendoza, DDC ACCO (MendozaNi@ddc.nyc.gov) as requested in the notification form.
	+ *Notice of Other Things.* The notification form also alerts Town+Gown/DDC, as administrator of the Master Contract, of the amount budgeted/allocated for the Research Project, so that Town+Gown/DDC can work with the Comptroller’s Office to assure that all Master Contracts have sufficient amounts associated with them in FMS to handle an eventual award along with all other Town+Gown RFPs in the pipeline, which can involve the 30-day waiting period with the Comptroller’s Office. If your agency is not listed on the Master Contracts as an authorized user, DDC will need to add your agency in FMS.
	+ *Review of Master Contract Provisions that are Different than Other City Contract Provisions.* The Master Contract has payment features and its own special Appendix A with features that are suitable for faculty-directed applied academic research and are different than standard contract provisions, so that you should review them while program staff is working on the project scope and deliverable requirements for the Town+Gown RFP. Appendix B to this document contains a summary of important differences between the Master Contract and standard city contracts, which should help with this review.
* The 90-day process involves:
	+ **The first 30-day period**

Requestor Sends Town+Gown RFP to Town+Gown/DDC, as Administrator of Master Contract. The Town+Gown RFP is a form document, which is available at the link above to the Town+Gown website. Most of what is typically in a standalone solicitation document has already been handled in the Master Contract, which is referenced in the Town+Gown RFP document, so that the Town+Gown RFP form allows Requestor program and ACCO staff to focus on articulating the research need and scope, the deliverables sought and the funds allocated for the work. While there is an ability to change elements of the Town+Gown RFP, subject to the Master Contract provisions, keeping to the form as much as possible helps keep the process as short as possible from the time your agency decides to procure academic research services, because all template form documents reflect and work each other. This document, in conjunction with the instructional memos preceding all template form documents (Town+Gown RFP, Proposal in Response and Task Order) that are downloadable at the Town+Gown website (available at the Town+Gown website above), is intended to provide Requestors with all the information they will need to access the Master Contract. Town+Gown/DDC, as administrator of the Master Contract, is, however, available to provide additional guidance; if necessary, please contact Terri Matthews, Director, Town+Gown or Nicolas Mendoza, DDC ACCO (MendozaNi@ddc.nyc.gov).

The Proposal in Response template form document, which is available at the Town+Gown website above, makes clear to the academics completing their Proposal in Response that they must follow the Proposal in Response form and not make any changes to it because the Proposal in Response from the awardee becomes the basis of the Task Order to be registered, which helps keep the process as short as possible. In addition, since academic institutions are more used to grant programs for faculty-directed research than public procurement of faculty-directed research, the Proposal in Response template form document makes it clear that the Proposal in Response form is related to a public procurement and not a grant program and that the terms of the Proposal in Response that the Requestor selects for an award become the terms of the resulting Task Order, subject to further negotiation only as permitted by the city’s PPB rules.

Town+Gown/DDC will review of the final Requestor’s Town+Gown RFP submitted to it in order to make sure it complies with the Master Contract. The standard policy is to require a minimum return date of 30 days from date of release, but under certain circumstances, it is possible to have a shorter return period or, depending on timing of release during the academic year, it may be necessary to have a longer return period. For example, releasing a Town+Gown RFP at the end of a semester, especially at the end of the spring semester, may require a longer return period to accommodate professors being out of town during in-between semester breaks.

If the Requestor uses non-City funds, such as funds from any federal or state grant program, the Requestor needs to be aware that the use of non-City funds increase the complexity of the Town+Gown RFP drafting and the length of time necessary to draft the Town+Gown RFP because oversight agencies, such as OMB, may need to perform their own due diligence process to make sure the use of federal or state grant program funds is appropriate and may need to work with the to create a document, such as a memorandum of understanding, to assure compliance with federal and state grant requirements. What an oversight agency will require for due diligence and compliance purposes will vary with the grant program, and there is no way to know how long that process will take, but you need to know that use of non-city funds introduces a level of complexity that will add time to the overall process before the 90-day streamlined process clock starts. Whatever would be required of a stand-alone RFP when non-city funds are introduced apply equally to the Master Contract Town+Gown RFP process. Town+Gown/DDC can send a document to Requestors to forward to OMB that explains the creation of the Master Contract and how it works, especially focusing on the aspects of competition.

* + **The second 30-day period**

Requestor Evaluates Proposals in Response, Awards Task Order and Turns Awarded Proposal in Response into the Task Order. The timing of this phase is within entirely within the Requestor’s control. Both the Proposal in Response and the Task Order are in a combined template form document that is Appendix C to the Master Contract, which was created to ensure process speed—there is no need for the Requestor to create its own task order document as the Task Order.  The Proposal in Response and the resulting Task Order must be in the form of Appendix C to the Master Contract. Town+Gown/DDC has turned Appendix C documents into separate Proposal in Response and Task Order forms that conform with Appendix C and available at the Town+Gown website above. This document and the instruction memos preceding all template documents are intended to provide all of the information your agency’s ACCO staff will need to create a Proposal in Response that conforms to the Master Contract and to turn the awarded Proposal in Response that also conforms into a Task Order to be to be registered with the Comptroller’s Office. If, however, you have additional questions or require clarification, please contact Terri Matthews, Director, Town+Gown or Nicolas Mendoza, DDC ACCO (MendozaNi@ddc.nyc.gov). There can be no creativity permitted in the Proposal in Response from the Consultants.

Items Requestors must remember to do at the Task Order level:

* Each Requestor agency awarding a Task Order will be responsible for registering the Task Order with the Comptroller under FMS code CTA1, which the Requestor agency must also complete in FMS.
* The FMS registration numbers for all Master Contracts are below:

|  |  |
| --- | --- |
| **Vendor**  | **MMA1** |
| Brooklyn Law School | 20156201502 |
| The Cooper Union | 20166200107 |
| Drexel University | 20156201606 |
| Fordham University | 20146201444 |
| Manhattan College | 20146201441 |
| The New School | 20166200106 |
| New York Institute of Technology | 20146201445 |
| Pratt Institute | 20156201501 |
| Tufts University | 20156201503 |
| State University of New York | 20166200091 |
| New York University | 20146201446 |
| Pace University | 20146201443 |
| City University of New York | 20146201442 |
| Trustees of Columbia University | 20176200751 |
| Cornell University | 20176200781 |

* The Master Contracts have been registered so that DEP, DOT, DDC, Parks, DCAS, DHMH and DOB can access the Master Contracts without a separate registration action. If your agency sends a notification form and is not among the agencies listed above, Town+Gown/DDC will amend the Master Contract so that your agency can access it.
* Responsibility determinations are not required for Task Orders, but it is advisable to make sure the awardee institution is up-to-date in the PassPort system.
* Section 3.2 of the Master Contract requires the Task Order include language with respect to a “fair and reasonable determination” in accordance with the National Science Foundation Cost Guidelines.  Town+Gown RFPs (Section 3.2), Proposals in Response (Section 3.3) and Task Orders (Sections 3.4) are subject to the requirements of the PPB Rules.  Section 3.3 contains a list of cost elements, with related policies and procedures, adapted from the National Science Foundation’s grant requirements.  Section 3-03(g) of the PPB covers the essence of the National Science Foundation’s fair and reasonable standard, requiring that the awarded Task Order represent the best value to the City by optimizing quality, cost and efficiency and be determined to be the most advantageous to the City, taking into consideration price and other factors/criteria set forth in the Town+Gown RFP.
* The innovative procurement creating the Master Contract deferred compliance with the City’s insurance requirements until the time of Task Order award. These requirements are in Section 7 of Appendix A to the Master Contract. In the Town+Gown RFP template form, however, the Requestor must indicate what insurance it will require and what insurance, if any, it will omit.
	+ **The last 30-day period**

Registration of Task Order with Comptroller’s Office. Experience with the Comptroller’s Office on all Task Orders has been good.

***Lessons Learned So Far.***

* Complications from federal and/or state-level funding: The 90-day period starts to run when the Requestor sends a final Town+Gown RFP to DDC, as administrator of the Master Contract. If the Requestor is using non-City money that comes from either a federal or state grant program for the research, there will likely be a due diligence and compliance process required by the grant programs to make sure the research project complies with its program requirements. Requestors need to know that City oversight agencies, such as OMB, will likely be involved during the run-up to the release of the Town+Gown RFP. Town+Gown/DDC can send a document to Requestors to forward to OMB that explains the creation of the Master Contract and how it works, especially focusing on the aspects of competition, but that process can have its own time demands that would be considered as properly outside the 90-day period.
* Delays at Academic Consortium Institutions: Keeping to the 30-day evaluation and award period requires the awardee Academic Consortium institution to be ready to move quickly toward execution of the Task Order as soon as it is available from the Requestor. Experience with institutions that have a separate research foundation as the point of contact for Task Order execution (e.g., CUNY) has indicated there may be delays at this point when the central legal office at the academic institution engages in its review of the Task Order.

Appendix A

**Form of Requestor Notification of Intent to Use the Master Contract for a Research Project**

[Please send to Terri Matthews, Director, Town+Gown (matthewte@ddc.nyc.gov )

or Nicolas Mendoza, DDC ACCO (MendozaNi@ddc.nyc.gov)]

[Requestor name] (the Agency) intends to use the Town+Gown Master Academic Consortium Contract, for which Town+Gown/New York City Department of Design and Construction (**DDC**) is the administrator (the **Master Contract**), for a Research Project. All defined terms used herein but not defined shall have the meanings ascribed to them in the Master Contract.

* The amount of this Research Project is estimated to be $\_\_\_\_\_\_\_\_\_\_\_\_.
* Please check one:

\_\_\_\_ Attached is a copy of the LL 63 disclosure in the Agency’s annual plan or a copy of the special LL 63 notice intended to cover the Research Project (for Research Projects greater than $200,000).

\_\_\_\_ The Agency intends to comply with LL 63 by filing a special LL 63 notice scheduled for publication in The City Record on \_\_\_\_\_\_\_\_\_, 201\_. We will send a copy of such notice when it is published.

\_\_\_\_ Since the Research Project is estimated to be $200,000 or less, there is no need for a LL 63 disclosure or notice.

*About LL 63. If the allocated amount for the Research Project is greater than $200,000 and the Requestor did not include a LL 63 disclosure on the agency’s LL 63 annual plan, the Requestor must put a notice of the Town+Gown RFP in The City Record as soon as you know program staff is contemplating academic research, so that the required 60-day period can run. If you are aware of your agency’s general need for academic research, you can include LL 63 disclosure on your agency’s LL 63 annual plan on a prospective basis, so this is already in place.*

*DDC, as administrator of the Master Contract, need to know the amount budgeted/allocated for the Research Project as soon as you are aware of it, so that DDC can work with the Comptroller’s Office all Master Contracts have sufficient amounts associated with them in FMS to handle an eventual award, which can involve the 30-day waiting period with the Comptroller’s Office. If your agency is not listed on the Master Contracts as an authorized user, DDC will need to add your agency in FMS.*

[Requestor agency name]

 *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

Name and title

Appendix B

**Master Contract Provisions that Reflect Academic Setting**

The Master Contract has provisions that are significantly different than standard City contracts to reflect the academic setting and practices. In addition, the City’s standard Appendix A for service contract terms and provisions has been significantly amended for Appendix A to the Master Contract in ways that reflect the academic setting and practices. All defined terms used but not defined have the meanings given to them in the Master Contract.

* Some provisions of Section 3.3, which outlines elements of the Consultant’s Proposal in Response, related to cost elements and related policies and procedures, are expressly adapted from grant requirements established by the National Science Foundation (NSF). The City’s standard “time and materials” provisions have been modified in a way that reflects current generally accepted academic practice. Some provisions reflect standard City practice, but contain an option for the Requestor to deviate from these requirements in their Town+Gown RFP (see Sections 3.3(e)(1), (6)) and for the proposing Consultant to request an alternative to them (see Sections 3.3(e)(2), (4) and (10)). The only item for which there can be no flexibility is long-distance travel (see Section 3.3(e)(7)), which is constrained by the City’s audit rules.[[1]](#footnote-1)
* As noted in Section 3.2(f), there are several provisions in Appendix A (Sections 5.05 (Removal of Records), 5.08 (Confidentiality), 6.01 (Copyrights) and 6.02 (Patents)) that reflect both standard academic practice with federal contracting agencies as well as Town+Gown’s action research principle that both practitioner and academic are equal partners in knowledge creation (the **standard academic practice**). Sections 5.05, 5.08, 6.01 and 6.02 reverse the pattern of rights on standard City contracts, so that the standard academic practice applies. Section 6.01A contains provisions that closely adhere to standard academic practice but differs from that practice to reflect the equal partnership between academics and practitioners in knowledge creation under Town+Gown. There is the option for Requestors to revert to standard City provisions for Sections 5.05, 5.08 and 6.01, if Town+Gown, as Master Contract administrator, consents and the Town+Gown RFP includes such election(s) with text provided by Town+Gown.
* The Master Contract is expressly for faculty-directed research and is not intended for agencies to use as a vehicle to subcontract with professional consulting firms. The Master Contract permits Consultants to propose the use of Subcontractors on a Research Project in their Proposals in Response, but the Master Contract has provisions with respect to that process as well as managing the Subcontractors in the context of City rules (Section 3.3(e)(8)).
* Article 7 of Appendix A relates to insurance requirements and has been revised from the city standard Appendix A to reflect the academic setting by requiring insurance only at the Task Order award stage. City policy permits agencies, in consultation with the City’s Law Department, to omit certain insurance for contracts of the nature generally covered by the academic research Task Orders (commercial general liability, business auto and professional liability insurance), and the Town+Gown RFP requires the Requestor to list in the Town+Gown RFP which insurance policies the Requestor will require and which insurance policies, if any, it will omit, in order to permit Consultants to decline to field a Proposal in Response due to the insurance required and respond instead with a No Bid Response. Insurance mandated by law may not be omitted.
* Article 10 of Appendix A provides for handling reductions in various funding streams in a way that permits a negotiation between the parties as an alternative to the City’s standard right to unilateral action (Section 10.01), and also provides, to *both* parties, the right to terminate the Master Contract in the best interest of such party, a right most City contracts provide for the City only (Section 10.02).
1. *See* Comptroller’s Directive No. 6. [↑](#footnote-ref-1)