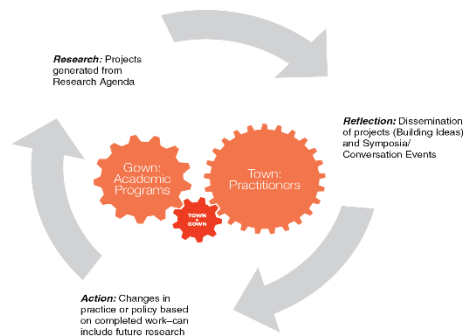


DID SOMEONE AT YOUR AGENCY MENTION AN ACADEMIC RESEARCH NEED?!

Hey! If someone at your agency has mentioned a need for academic research and you would like to avoid going through a stand-alone RFP process that can require a fairly lengthy time line (as we know), you should know about the Town+Gown Master Academic Consortium Contract (the Master Contract) that can take as little as 90 days from the submission of a Mini-RFP to Town+Gown/DDC, as Master Contract Administrator to task order registration, assuming everyone keeps to a schedule and you are aware of circumstances, we have now learned from experience, that can increase complexity and add time to the process.

A little about Town+Gown. To review, Town+Gown is a systemic action research program that facilitates partnerships between academics and practitioners on applied built environment-related research projects aimed at making changes in practices and policies. There are two components—the **experiential learning program component** and the **funded research component** under the Town+Gown Academic Master Consortium Contract. To learn more than you probably need (or want) 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



Funded Research Component and the Master Academic Consortium Contract. Once Town+Gown got underway, it became clear that agencies required an easy-to-use and quick vehicle to procure funded applied academic research. Town+Gown used the PPB Rules Section 3-12 **“innovative procurement”** method to create a master requirement contract that utilizes task orders for academic research services

with a consortium pool of institutions. The academic institutions (all really good schools by the way) in the vendor pool (or, as the academics prefer to call it, the Academic Consortium) are:

- Brooklyn Law School
- City University of New York
- Columbia University
- Cornell University
- Drexel University
- Fordham University
- Manhattan College
- New York Institute of Technology
- New York University
- Pace University
- Pratt Institute
- State University of New York
- The Cooper Union
- The New School
- Tufts University

Research Projects under the Master Academic Consortium 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/Grove	DOB	\$600,000 (FEMA funds)

	Smart Traffic Analysis Symposium (complete)	NYU/Tandon	DOT	\$50,000
	Risk management study (proposal evaluation process underway)	N/A	DOB	\$120,000

Things to Know If You Want to Use the Master Academic Consortium Contract.

- First, the Master Contract is available to **all City agencies**. Any combination of City agencies, State agencies and certain not-for-profit corporations, using their own funds (collectively the "requesting entity"), can utilize the Master Contract by submitting a Mini-RFP document to Town+Gown/DDC, as manager of Town+Gown and as administrator of the Master Contract, for Town+Gown/DDC to transmit to the consortium pool of institutions. It is important to remember that when the requesting entity use the Master Contract, it is the requesting entity’s procurement and not DDC’s procurement. Thus, the requesting entity, through its ACCO and agency program staff, controls the development of the Mini-RFP, *like all other agency procurements*. When, as we have experienced, the requesting entity includes an office within 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. So, the agency ACCO that is part of the requesting entity should assume that it will handle the entire procurement regardless of whether the collaborating office within the Office of the Mayor is part of the requesting entity.

- While Town+Gown and the Master Contract refers to “built environment” research a lot, you should know that 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 to the area of human service program delivery, please do not be put off by the use of the term “built environment”—Town+Gown can be creative to make the Master Contract work for you!

- The 90-day process involves:
 - **The first 30-day period**

Requesting Entity Sends Mini-RFP to Town+Gown/DDC, as Contract Administrator. The Mini-RFP is a form document, which is available from Town+Gown. Most of what is typically in a standalone solicitation document is handled in the Master Contract, which is referenced in the Mini-RFP document, so that the Mini-RFP form allows you and your program staff to focus on articulating the research need and scope, the deliverables sought and the funds allocated for the work. The form Mini RFP is a default document available from Town+Gown, and while there is an ability to change elements of the Mini-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. Town+Gown is available for consultation purposes during the development of the Mini-RFP to provide guidance on how the Master Contract provisions work in general and with respect to the Mini-RFP. One issue that we have become aware of is the need to make clear in the Mini-RFP form itself (and Town+Gown will make the appropriate changes this summer) and in the transmittal email from Town+Gown to alert the Academic Consortium members that they must follow the Proposal in Response form and not make any changes to it because the Proposal in Response form for the awardee becomes the Task Order to be registered with certain changes contemplated in the Master Contract.

Town+Gown/DDC will conduct a process review of the Mini-RFP to make sure it complies with the Master Contract provisions, and Town+Gown is available to assist with a substantive review, if requested, and answer any questions related to the academic process. The standard policy is to require a minimum return date of 30 days from date of release, but under certain circumstances, after consultation with the Executive Committee of the Gown Advisory Council created under the Master Contract,¹ 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 Mini-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 requesting entity uses non-City funds, such as any federal or state grant program, the requesting entity needs to be aware that the use of non-City funds increase the complexity of the Mini-RFP drafting and the length of time necessary to draft the Mini-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 requesting entity 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

¹ The Gown Advisory Council is created pursuant to the terms of the Contract to provide governance support to the Master Contract during its initial 10-year term and Town+Gown/DDC, as Master Contract administrator.

know that 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 to the project apply equally to the Master Contract Mini-RFP process.

- Items requesting entities must remember to 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 Mini-RFP:
 - If the allocated amount is greater than \$200,000, put a notice of the Mini-RFP on your agency's LL 63 plan as soon as you know program staff is contemplating academic research, so that the required 60-day period can run--this is critical to keep to the 90-day period. If you generally become aware of your agency's need for academic research, you can to amend your agency's LL 63 plan on a prospective basis, so this is already in place—DDC has done this for its own academic research purposes, and Town+Gown can share with you what DDC has done from a prospective perspective.
 - You need to alert Town+Gown/DDC, as contract administrator, of the amount as soon as you are aware of it, so that DDC can make sure with the Comptroller that 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.
 - The Master Contract has payment features and its own special Appendix A that are suitable for applied academic research and are different than standard payment provisions (see Appendix A).

○ **The second 30-day period**

Requesting Entity Evaluates Proposals in Response and Awards Task Order. The timing of this phase is entirely within the requesting entity's control. The Proposal in Response is a form document (Appendix C to the Master Contract) that was created so that the requesting entity can revise the Proposal in Response from the awardee and turn it *quickly* into the Task Order—there is no need to create a separate task order (instructions in Appendix C). Town+Gown will take an active role at the beginning of the process to provide instructions about how to turn the Proposal in Response to a Task Order for registration purposes and will also make sure that Academic Consortium members know that they need to use the Proposal in Response form as their response to the Mini-RFP. There can be no creativity permitted in response documents from the Academic Consortium members. Town+Gown will also alert the Academic Consortium members to the insurance

requirements that will kick in should their Proposal in Response be chosen as the awarded proposal.

- Items requesting entities must remember to do at the Task Order level:
 - Each agency awarding a Task Order will be responsible for registering the Task Order with the Comptroller under FMS code CTA1.
 - Consistent with Section 3.2 of the contract, DDC will direct any City agency entering into and registering a Task Order to include language with respect to a “fair and reasonable determination” in accordance with the National Science Foundation Cost Guidelines. Based on the contract protocols, Mini 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 Mini RFP.
 - When Town+Gown established Appendix A to the Master Contract, Town+Gown was able to defer 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. Section 4.1 of the Task Order refers to the requirement for an insurance certificate in Section 7.08, Appendix A, which provides: “For each policy required under the Consortium Contract, . . . the Consultant shall file a certificate of insurance with the Department within ten (10) Days of award of a Task Order to it under the Consortium Contract.” Thus, within ten (10) Days of vendor receipt of notice of award, the vendor should send an insurance certificate providing proof of insurance of all the required insurance policies indicated in Appendix A to the Contract, except for Commercial General Liability, which City policy permits waiving for contracts of the nature generally covered by the academic research Task Orders that involve no work on City property and no design or engineering work for the City.

○ **The last 30-day period**

Registration of Task Order with Comptroller’s Office. Experience with the Comptroller’s Office on all Master Contract and 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 requesting entity sends a final Mini-RFP to Town+Gown/DDC as Master Contract administrator. If the requesting entity 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. The Academic Consortium members are equipped to handle federal and state grant requirements, but requesting entities need to know that City oversight agencies, such as OMB, will likely be involved during the run-up to the release of the Mini-RFP. Town+Gown stands ready to assist the requesting entity and the oversight agency in this process, but that process can have its own time demands that would be considered as properly outside the 90-day period.
- Appendix C—the all-purpose form for Proposals in Response and Task Order: Experience with the current form of Appendix C has caused Town+Gown to consider revising it as two separate forms with greater explanation to address technical issues we have encountered along the way. Town+Gown will work to make its standard forms easier to understand and use and will make sure that the Academic Consortium members know in advance that the Proposal in Response form is the only form for their proposals—no creativity is permitted. Town+Gown will also advise requesting entity staff at the beginning of the process how to turn the awarded Proposal in Response to the Task Order to be registered.
- Complications at institutions that have separate research foundations as the Master Contract party: Keeping to the 30-day evaluation and award period requires the awardee academic institution to be ready to move quickly toward execution of the Task Order as soon as it is available from the requesting entity. Experience with institutions that have a separate research foundation as the point of contact for Task Order execution has indicated that Town+Gown needs to do more proactive intervention than it has had to do with other institutions that do not have separate research foundations. Once the requesting entity notifies Town+Gown of its determination of award, Town+Gown will work with the Gown Advisory Council representative at the awardee institution to pro-actively identify and resolve any issues that may arise so that the second 30-day period is achievable.

Provisions that Reflect Academic Setting and/or Town+Gown Systemic Action Principles.

The City's standard Appendix A for service contract terms and provisions has been significantly amended for the Contract in ways that reflect the academic setting and practices and/or the unique nature of the Town+Gown program.

- For example, some provisions of Section 3.3, which outlines elements of the Consultant's Proposal in Response, such as the cost elements and related policies and procedures, are expressly adapted from grant requirements established by the National Science Foundation (NSF), in order to express the City's standard "time and materials" provisions in a way that reflects current generally accepted academic practice. Some provisions reflect standard City practice, but contain an option for the requesting entity to deviate from these requirements in their Mini-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.²
- 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 have been amended to 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. Sections 5.05, 5.08 and 6.01 reverse the pattern of rights on standard City contracts, so that the standard academic practice is the default provision with the option for requesting entities to revert to standard City provisions if they follow the process to elect the optional provision. Section 6.02 contains provisions that more 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.
- The Contract is not intended to be used as a vehicle for subcontracting, but to the extent a Consultant proposes the use of subcontractors, the Contract has been revised to make it as clear as possible how that process works for the purpose of the Proposal in Response as well as drafting and managing the subcontracts themselves in the context of City rules (Section 3.3(e)(8)).
- Article 7 of Appendix A relates to insurance requirements and has been revised to reflect the academic setting.
- 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

² See Comptroller's Directive No. 6.

action (Section 10.01), and provides, to both parties, the right to terminate the Contract in the best interest of such party, a right most City contracts provide for the City agency alone (Section 10.02).