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NEW YORK STATE
DEPARTMENT OF CORRECTIONAL SERVICES
AND COMMUNITY SUPERVISION
COMMUNITY BASED RESIDENTIAL PROGRAM

DATE: January 6, 2012

LOCATION: Albany, New York

1 Bidder's conference - 1-6-2012

2 (The bidder's conference commenced at 1:30
3 p.m.)

4 MR. NESICH: I want to welcome everybody to the
5 Department of Correctional Services and Community
6 Supervision. This is the Community Supervision former
7 headquarters at 97 Central Avenue in Albany.

8 (Off-the-record discussion)

9 MR. NESICH: This is the first bidder's
10 conference -- large bidder's conference that we've done
11 after Corrections and Parole were consolidated this
12 spring, so we're excited to be doing this in the new
13 larger agency. For those of you who might have some
14 general questions about the merger itself in terms of
15 the supervision of offenders -- the provider community,
16 for the most part, the change is transparent. It's not
17 significant to you guys in terms of parolees who are
18 being supervised or going into reentry treatment
19 programs, and you'll see really that nothing has changed
20 at all except that we're part of a larger agency and
21 have more resources to bring to bear in terms of the
22 resolution of certain supervision of reentry issues that
23 we have, and we've already seen some dividends there.
24 We have a lot of people from the provider community,
25 particularly down in the southern tier. You're in New

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2 Rochelle? We have a lot of providers in New Rochelle,
3 and we have some in Rochester as well. And we have our
4 regional director from out in Buffalo. And of course,
5 we're here in Albany. I think the easiest thing to do,
6 the fastest thing to do, is let's do some -- we'll do
7 introductions of who we are on the Parole side -- I'm
8 sorry -- on the Corrections side. We will not do
9 introductions of -- of the providers because this is
10 being transcribed.

11 (Off-the-record discussion)

12 MR. NESICH: This bidder's conference is being
13 transcribed, and it will be available on January 20th on
14 the website. All the questions and answers, all the
15 presentations, everything that we say, good jokes, bad
16 jokes, good questions, bad questions, it will all be
17 there. For that reason, providers, when you ask a
18 question, we'll remind you to give your name, speak
19 slowly and speak clearly, because we want to pick that
20 up on the transcription, and then that will be by way of
21 identifying yourself as well. We also have sign-in
22 lists, and all those things are also available as -- you
23 know, as -- as need be.

24 So let's start with the Division of Parole.
25 I'm going to start at the far end of the corner, the

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2 gentleman hiding in the corner there. Go ahead, Mike.

3 Why don't you start?

4 MR. OSTERMANN: Michael Ostermann, Internal
5 Audit.

6 MR. NESICH: And now we'll move over -- back
7 row.

8 MS. HENRIQUEZ: Marla Henriquez, Contract
9 Management Unit.

10 (Off-the-record discussion)

11 MR. NESICH: All right. Well, we'll adjust it
12 as need be. We will play switching seats. We have --
13 now we have --

14 MS. ELLEY: Debbie Elley.

15 MR. NESICH: -- Debbie Elley. Are you a
16 provider, Debbie? Oh, yes. You're with what -- we have
17 a seat for you.

18 (Off-the-record discussion)

19 MR. NESICH: Okay. Let's try it again.

20 MS. BRYANS: Sarah Bryans, Research.

21 MS. FISH: Erin Fish, Contracts at DOCCS main
22 office.

23 MR. NESICH: Let's see.

24 MR. ZEITLER: Me?

25 MR. NESICH: Garfield?

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2 MR. ZEITLER: Yeah, Garfield Zeitler. I'm
3 the -- currently the Bureau Chief for the Utica area,
4 which is Oneida County.

5 MS. REEVES: My name is Janet Reeves. I'm the
6 Acting Reentry Services Manager for the Central New York
7 Region, covering Rensselaer County north out to the
8 Syracuse area.

9 MS. SEWARD: I'm Vanda Seward, Director of
10 Statewide Reentry Services.

11 MR. NESICH: I'm Jeff Nesich, Administration.

12 MS. KILEY: I'm Kathy Kiley. I'm from
13 Counsel's Office.

14 MS. FARLEY: Barbara Farley, Contract
15 Management Unit.

16 MS. PERROTTY-MCLAUGHLIN: Melissa
17 Perrotty-McLaughlin. I work in the Budget and Finance
18 Office in DOCCS central office.

19 MR. NESICH: All right. Now let's quickly --
20 let's see. From the rest of the DOCCS people, who do we
21 have in Rochester?

22 (Off-the-record discussion)

23 MS. WILK: Introductions. Elizabeth Wilk --

24 MR. NESICH: Okay.

25 MS. WILK: -- Reentry Services, the Western

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2 Region.

3 MR. NESICH: Okay. Any other DOCCS employees
4 there?

5 MS. WILK: We do.

6 MS. HAYES: Karen Hayes (phonetic spelling),
7 Reentry, Parole.

8 MR. NESICH: Okay. All right. New Rochelle?
9 I'm sorry?

10 MS. ENRIGHT: Okay. New -- New Rochelle, the
11 second floor conference room, Ana Enright. I'm the
12 Reentry Services Manager for the Hudson Valley Region
13 covering to Albany and Schenectady.

14 MS. LESTER: Denise Lester, Reentry Regional
15 Manager for Queens, Long Island.

16 (Off-the-record discussion)

17 MS. HOWELL: Detrell Howell, Management
18 Services, Manhattan, the Bronx, and Staten Island.

19 MS. DORSEY: Stacey Dorsey (phonetic spelling),
20 Citywide Access Supervisor, Reentry Services.

21 MR. MILLER: Steve Miller, Reentry Services.

22 MR. NESICH: Hello, Steve. And last, but
23 certainly not least, out in Buffalo?

24 MR. RUSSI: Gino Russi, Regional Director,
25 Western Region.

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2 MR. NESICH: Excellent. All right. Well,
3 again, welcome to all of the providers who -- or
4 potential providers who are here.

5 What we're going to do is hit on a few general
6 rules of engagement, I guess, in terms of what we
7 attempt to accomplish in these bidder conferences. We
8 want to make sure that what we've asked for in this very
9 lengthy document -- that you completely understand all
10 of the requirements, the components. There's a lot in
11 here, programmatic requirements, budget requirements.
12 There's a lot of attachments. So the bidder's
13 conference is an excellent opportunity for you to ask
14 any and all questions that you have.

15 We're not going to spend time explaining or
16 defending what we're asking for. We're going to use
17 that time to make sure that we give you the best
18 explanation we can as to what we're asking for so that
19 you can submit the best proposal. We are very much
20 looking to partner with community-based residential
21 programs. We've been doing this for fifteen to twenty
22 years. We use the word "partner" specifically because
23 that's the way we look at it. It is a joint effort to
24 provide a very proven tool in reducing -- or I -- I
25 should say enhancing the parolee's opportunity to

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2 succeed, for providing a good residential structure.

3 This is a very important program that we have, so we do

4 hope to answer all your questions so that you will feel

5 that you want to submit a proposal for our

6 consideration.

7 One of the things that we've done differently

8 this time for the first time is we have -- I think it's

9 way back at the end -- a definitions section where we've

10 added some definitions of some key phrases that perhaps

11 we would use inside the bubble of Corrections that might

12 not be all familiar or might be slightly different in

13 terms of how you use them. So to level the playing

14 field, we have that definitions page. I suggest you

15 look at that.

16 A number of us are going to speak about some

17 things, but we're not going to take a lot of time

18 because we have a lot of providers here. We want to

19 answer all of your questions. I'm going to give you

20 some dates, some information, and some advice. First,

21 the due date is absolutely critical. For those of you

22 who've been around awhile, you've heard the horror

23 stories of the due dates. So I'm not going to berate

24 that -- you know, beat that to death again, but I will

25 say this: The proposal has to be received by the

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2 specific time required in the R.F.P. We have had cases
3 where FedEx or the post office actually said it's our
4 fault that it was late. It's postmarked. There was
5 a -- the van had an accident. It doesn't matter. We
6 cannot accept a proposal if it's even ten seconds late.
7 At the due date, the guard downstairs will close the
8 receipt of proposals. Anything that comes in after that
9 will be received and dated for after the period and then
10 will be returned back to you.

11 We've had many providers in the New York City
12 area or in the Albany area who felt obliged to drive the
13 proposal up because they worked on it till the last
14 minute or they didn't want to trust it to FedEx the
15 night before. What I say is make absolutely sure you
16 don't become one of those horror stories -- you do all
17 that work, and you're five minutes late. The reason why
18 is if we extend the deadline for anybody, to level the
19 playing field, we would have to extend the deadline
20 formally for everybody in the community. If we give you
21 an extra two minutes, it's not fair that you didn't get
22 an extra two minutes.

23 Secondly, the proposals have to be very
24 complete and very accurate. We have, again, had
25 situations where proposals were submitted -- instead of

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2 ten copies, we only had nine copies. We had one
3 proposal submitted one time -- we had ten copies, but
4 the original was not signed by the executive officer.
5 In both of those cases, those proposals were
6 disqualified and returned to the vendor. We have to be
7 sticklers about this because, again, if you level the
8 playing field, you can't say, all right, well, you had
9 eight copies and that's fine. We'll make -- we'll make
10 an exception and copy the other two. What we've
11 cautioned people all the time is, read that proposal
12 over, read it again, and then when you're really tired
13 of checking and reading it again, do it one more time.
14 Now over the years, we have worked very hard to
15 facilitate the proposals being complete and having all
16 of the components that we need. I'm going to turn this
17 over quickly to Barbara Farley, who's the head of the
18 Contract Management Unit, because this R.F.P. includes a
19 very detailed checklist that, if you follow to the
20 letter, you will certainly be able to include everything
21 as required. Barbara, if you want to walk them through
22 that.

23 MS. FARLEY: Just so everyone's clear, the due
24 date is twelve noon on January 26th, so I'm -- I'm sure
25 that's throughout the document. On Attachment D, which

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2 is the proposal cover sheet, it's page two, that's
3 really what you need to look at. There's mandatory
4 requirements, and there's also some mandatory
5 requirements for for-profit providers only, which are
6 the legal forms, state finance, what.

7 But just to be clear, what we do in phase one
8 is go through the pass/fail checklist. We look at the
9 original plus the eighteen copies, signed proposal,
10 cover sheet. Page two also needs to be signed. There
11 should be the budget detail sheet, the narrative
12 justification, and the indirect cost calculation form.
13 They're all listed on there to check off. The ten page
14 single spaced proposal response questions, the current
15 certificate of occupancy or equivalent, and then, of
16 course, the State Finance Law forms which are four
17 attachments. All four attachments require signatures,
18 and I think one of them requires a notary.

19 The non-mandatory documents, that's where
20 points could be taken away. We're looking for all of
21 the pieces that are in here, but they're not something
22 that's required in the phase one pass/fail checklist.
23 And just make sure you have everything. Like Jeff said,
24 go through it, you know, with a fine-tooth comb. Make
25 sure you check off all the boxes on here and sign it,

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2 and -- and then we'll have everything and you'll pass
3 through the first phase.

4 MR. NESICH: Thank you, Barbara.

5 MS. SEWARD: If you don't -- if you don't have
6 it, it will be -- it'll be --.

7 MS. FARLEY: Yeah, if -- yeah. It will not
8 move to round two if -- phase two if something is
9 missing.

10 MR. NESICH: Yeah, I'm going to -- when
11 we'll -- yeah, in a few, we'll talk a little bit about
12 that as well just so they understand. A couple things,
13 and -- and these are -- these are pointers that we have
14 picked up over the years of doing these bidder's
15 conferences and receiving proposals and reviewing
16 proposals. So these -- these points, the ones we've
17 made as well as the additional ones that we're going to
18 make, are made to help you, to assist you, to give you
19 an idea of some of the things we've seen that have
20 potentially been problematic.

21 One is assume that we don't know anything about
22 your program. Even if you'd had a contract with us
23 forever, there's going to be an independent committee of
24 reviewers who are going to review your proposals. They
25 might not know anything about your program. So write it

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2 as if you're -- you're selling yourself to people who
3 don't know that you might have a proven track record
4 dealing with the Department of Corrections or the former
5 Division of Parole.

6 Secondly, and extremely important, we have to
7 see a certificate of occupancy for the site that you're
8 going to use for the purpose that you propose in your
9 R.F.P. Now we recognize that there are situations where
10 some municipalities are not giving certificates of
11 occupancy; they're not updating them. In that
12 particular case, you see the language. It's very
13 specific. We say "or the equivalent." In many cases,
14 you can get the city building department -- the city
15 codes department will give you a letter saying that it's
16 okay for you to use this residence for a twenty-four bed
17 dah dah dah dah dah. You have to have that.

18 One of the things that's happened over the years which
19 is very unfortunate is we get a certificate of
20 occupancy, and it looks great and it's all there. Guess
21 what? Expired 12/31/11. You're going to be
22 disqualified. Now here's the frustrating part. The
23 certificate of occupancy that came in for January 1st,
24 2012, is sitting on the executive director's desk, but
25 never got into the file because somebody just didn't

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2 know to update it. That's why you check it, you check
3 it, and you recheck it. Certificate -- it's very
4 important. Or if you get a letter, it's got to come
5 from the authorizing agency. You -- we can't get a
6 letter from Senator Gillibrand saying it's okay to use
7 that site. It's got to be by the agency that -- that
8 regulates buildings. So make sure you check the dates
9 on those. Make sure you check the number of beds. Make
10 sure that it is completely accurate. Yes, sir?

11 MR. DRAKE: In the city of Albany --.

12 THE REPORTER: Your name, please?

13 MR. DRAKE: I'm sorry. Todd Drake. In the
14 City of Albany, they use rental occupancy permits on a
15 per unit or room or apartment basis. Is that sufficient
16 to qualify as certificates of occupancy?

17 MR. NESICH: Yes, but what you should do is
18 make sure that -- is this unit specific?

19 MR. DRAKE: They are unit specific, that is
20 correct.

21 MR. NESICH: So if you have twenty units in
22 your building, you would have twenty of these?

23 MR. DRAKE: That's right.

24 MR. NESICH: Yes. Make sure you provide all of
25 those because that suffices to show us that you have the

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2 legal authority to use that. If a program, in case
3 you're wondering, submits a certificate of occupancy or
4 the equivalent and they get a contract award, when the
5 program manager goes out and does a site visit after the
6 award of the contract, if they see that certificate that
7 we thought was accurate in the evaluation process is
8 not, the award will -- will be rescinded. So please
9 take that very seriously, for the obvious -- for the
10 obvious reasons.

11 Let's see. This is -- as I mentioned, is being
12 transcribed. January 20th, the transcription of the
13 entire conference will be on the website. That's why we
14 need you to speak clear, give your name. We also will
15 be providing clarification to the R.F.P. if necessary.
16 If something happens today in the bid conference -- or
17 presumably even a day or two later, if some issue
18 breaks, it would be clarified. You would be sent a
19 letter. You'd be notified that the R.F.P. has changed
20 in some way. If something happens today where we're
21 going to issue a clarification, if we know that at
22 today's meeting, we'll tell you. You might ask a
23 question. We might not have the answer for it. We
24 might choose to take it offline, and then we would
25 answer that on the website. And if we were going to

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2 clarify, we would say to you, forty-eight hours -- two
3 business days -- there will be that clarification on
4 the -- on the website that your R.F.P. has changed a
5 little bit. That does not happen often, but it
6 certainly can happen.

7 Pursuant to the R.F.P., all questions are due
8 by the 17th, and then, again, they will be answered on
9 the 20th. So you want to make sure that you ask your
10 questions between now and the 17th. Again, that
11 requires really sitting and looking through that,
12 reading through it. We want you to understand what
13 we're asking for.

14 In terms of the evaluation process, we take it
15 extremely seriously here. There will be independent
16 evaluators, managers, designated through the
17 Commissioner, and those managers will review these
18 proposals and they will score them, and you'll have the
19 same manager scoring the same group of proposals for a
20 particular catchment area so that the playing field is
21 completely level. Those scores will then all be
22 accumulated after they've been scored separately and
23 independently. And on the basis of that, an award will
24 be made.

25 The Contract Management Unit will engage in a

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2 review of all the proposals received to see if the
3 mandatory requirements have been met, and that's the
4 checklist. If a mandatory requirement has not been met,
5 a proposal will be disqualified. It will not go to the
6 second round. The second round is where the proposals
7 are actually going to be scored. So for example, on the
8 checklist that Barbara referred to, if you don't submit
9 something that's non-mandatory, you're not going to be
10 disqualified, but you will lose points. But the
11 mandatory items are absolutely critical.

12 There are also a number of forms that used to
13 be required which we, to facilitate submission of
14 proposals to us, have made a number of -- a number of
15 forms, all the ones that we could, something that would
16 only be submitted after contract award, such as a lot of
17 the forms in the Affirmative Action and Equal Employment
18 Opportunity area and the M.W.B. purchasing requirements.
19 There's that whole section there. Those are things that
20 you're going to have to adhere to if you get a contract
21 award, but you don't have to submit all those forms now.
22 So again, we really do look at this as a partnership.
23 And as complicated as this procurement with the State
24 has become, we've worked very hard to try to put it in a
25 format and a framework that makes it as easy as possible

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2 to understand what we're asking for and to give us
3 proposals.

4 At this point, what I'd like to do is to turn
5 it over to Statewide Reentry Director Vanda Seward.

6 MS. SEWARD: Good afternoon, all. As many of
7 you know, our agency mission is always to assist
8 individuals who are formerly incarcerated that are going
9 to be under community supervision to transition back
10 into the community with as many resources as possible.
11 I think when we look at the community-based residential
12 program R.F.P., you will see that nothing has changed
13 with the merge. We're still looking at ways to enhance
14 the transition from prison to the community.

15 I think one of the key factors in this R.F.P.
16 is that we're looking for community-based providers that
17 can do more than provide a roof over the parolee's head
18 and a place to sleep. We're looking for a provider that
19 can provide ancillary services such as -- excuse me --
20 provide food, counseling, chemical dependency education,
21 vocational treatment, mental health referral and
22 assistance, entitlement assistance, and we're not
23 expecting the provider to be able to do it all on their
24 premises. We are -- we understand that some do have a
25 one-stop shop, but we also understand that many may

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2 decide to refer out. I think our main concern is that
3 we want to make sure that the parolee can get as many
4 wraparound services as they possibly can through this
5 initiative.

6 I think the other thing is that we are not
7 looking for the cookie-cutter type program. We're --
8 we're open to hearing other dynamics of how you may
9 already be doing some of your programming, but some
10 other new ways in order to address these needs within
11 the scope of this particular R.F.P.

12 I know one of the things that Jeff mentioned
13 which is very important is for when you're writing about
14 your agency, that you're clear and that you give detail.
15 There are many people who will be reviewing this packet
16 who may not know anything about your agency. So don't
17 assume that your agency is well known and we know all
18 the different services that you provide.

19 One of the other things that may seem to be a
20 little different for most is, normally, you see a lot of
21 programming geared towards your New York City area,
22 where now you will see more program when you look at the
23 catchment areas toward the upstate regions, and that is
24 only because there is a shift of releasees where there's
25 more releasees being released to parole in your upstate

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2 regions than in your downstate regions. So that is why
3 you'll see the catchment areas as such, and I'm not sure
4 of pages. And when -- when you look at your catchment
5 areas, you'll see there's not as much bed availability
6 in the New York City area.

7 I think the other thing you need to understand
8 is that if you're not bidding in any of the catchment
9 areas that are indicated in the R.F.P., you should not
10 waste your time and put the bid in because we are really
11 clear on what catchment areas we are looking for. We
12 appreciate your interest, but unfortunately, with this
13 particular R.F.P., we cannot accommodate any counties or
14 catchment areas outside of what's indicated in the
15 R.F.P.

16 The other thing is when we talk about the
17 client groups. Client groups can be combined. It
18 doesn't necessarily have to be only one client group. A
19 client group can consist of one of these groups or
20 consist of many of these groups. You just need to make
21 sure that you specify your catchment groups that you are
22 interested in targeting when you write your narratives.
23 Pretty much, I think, that is it. I just want everyone
24 to know that when you have questions, as Jeff said, you
25 need to post it and get it to us by the 17th. I know

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2 many of you are used to dealing with many of my Reentry
3 Service Managers, and some of you are used to dealing
4 with me, but in this R.F.P. process, you cannot reach
5 out to any of your usual contacts in reference to this
6 R.F.P. Excuse me. You must use the form that's allowed
7 for the questions or post them into -- the O.S.C.?

8 MR. NESICH: Well, they should send it to --.

9 MS. SEWARD: On the website?

10 MR. NESICH: Send it to us.

11 UNKNOWN SPEAKER: It's the contract's e-mail
12 address -- the contract --.

13 MS. SEWARD: The contract's e-mail -- I'm
14 sorry -- which is part of the R.F.P. You should not, I
15 repeat, be reaching out to any of the Reentry Service
16 staff, upstate or downstate. Thank you.

17 MR. NESICH: All right. Moving right along,
18 because again, we want to leave as much time as possible
19 for your questions. The Next section, which I'm going
20 to talk -- talk about very quickly, and then if there's
21 any additional follow up, Melissa McLaughlin, who is the
22 Budget Chief for Community Supervision, will -- will
23 jump in.

24 But I want to talk a little bit about the
25 budgets. Specifically, the beds are capped at twenty

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2 thousand, four hundred dollars per bed. If there's any
3 question about what that means, this is the opportunity
4 to ask it. I want everyone to be very clear. That cap
5 is very firm, and the budget has three requirements. It
6 has the detail sheet -- these are all attachments in
7 here -- where you list the amount of money you need by
8 sub-object. You have the narrative. The narrative is
9 very important. And then you have the indirect cost
10 recovery sheet, which is if you're requesting an
11 indirect cost rate or an administrative overhead rate,
12 there's the sheet to show what that calculation is based
13 on.

14 This R.F.P. will not provide any startup costs
15 or any construction costs. We're looking for programs
16 that can open their doors on day one and do business.
17 If you are a not-for-profit company -- well, entity, you
18 can receive a two month cash advance. That is not
19 startup cost because that is recouped. That is just an
20 advancement of money per State Law.

21 Two of the more complicated components on the
22 budget side are third party revenue and indirect cost
23 rate. Third party revenue -- there is an outstanding
24 definition of third party revenue in the definition
25 section at the end, and there's also a pretty good

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2 explanation within the body of the R.F.P. itself.
3 Programs are not required to submit a proposal that
4 includes third party revenue. However, if you're not
5 submitting a proposal with third party revenue, you need
6 to tell us why there's no third party revenue that's
7 been included in your proposal. In addition, if you
8 receive a contract, even if your proposal was based on
9 no third party revenue, you will be expected during the
10 course of the contract -- you will be contractually
11 required to continuously make an effort to receive third
12 party revenue.

13 We recognize that not every county is the same.
14 We recognize that while there -- you know, the State
15 Constitution, in effect, provides the -- provided the --
16 I guess the -- the justification for the housing
17 assistance funds when people are homeless and all of
18 those things, that different counties have different
19 complexities, that there's a -- that it's a very
20 complicated area. We want programs to make an effort.
21 We know some programs in some counties do really well;
22 some don't. Since this is based on catchment areas, the
23 playing field is level. You might be able to get third
24 party revenue very different in one county than another,
25 but you're all competing for this particular county. So

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2 the rules are the same. So that's important.

3 Also, understand if you submit with third party
4 revenue, it offsets the cost to -- to -- to -- to
5 Corrections. It is a direct offset to how much money we
6 would -- would pay for the program, and you have to
7 include the calculation. If you tell us fifty thousand
8 dollars third party revenue, what's that based on? Is
9 that based on out of -- out of a ten bed program, you
10 estimate seven people are going to be eligible for third
11 party revenue at any time at a rate of twenty-nine
12 dollars a night or something. Give us the basis of what
13 that -- of what your calculation is.

14 And lastly, if you project third party revenue
15 and you don't achieve it, we cannot make up the
16 difference. So there is no advantage in being overly
17 optimistic to lower your cost to get more points because
18 you'll have to live with that number. So you have to be
19 realistic.

20 The last component on the budget is the
21 indirect cost rate. You do not have to request indirect
22 cost. If you do, then you need to fill out that
23 calculation sheet. Now indirect cost, administrative
24 overhead, those are all the same thing. Essentially,
25 this is the percentage that programs will charge for all

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2 of the costs that are not specific to the program, but
3 are specific to the organization. If you have three or
4 four clients in your -- in your organization and they're
5 all in the same building, rent, heat, perhaps a lot of
6 your financial people, perhaps your program director,
7 all these people who deal with all those programs, they
8 can be charged through an indirect cost rate. If you do
9 that, we need to see the calculation. So that's what
10 that sheet is for.

11 Next, I want to turn it over to Kathy Kiley
12 from our Counsel's Office to make a few points.

13 MS. SEWARD: Can I just -- when you're doing
14 the budget, keep in mind that the period of time for
15 each participant is a hundred and twenty days. It is
16 not ninety days.

17 MS. KILEY: So -- okay. It's Kathy Kiley from
18 Counsel's Office. I just want to talk to you just for a
19 couple minutes about the ethics and the restricted
20 period. The restricted periods began the date that the
21 R.F.P. was actually published. That means basically
22 that, right now, we can't talk to any other providers,
23 et cetera, until you submit everything and then we make
24 an award. And once the award is made, then the Office
25 of the Comptroller will approve the -- the award, then

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2 we can talk to other providers. But up until, you know,
3 right now do not contact anyone, you know, to say, "Hey,
4 did you get my proposal?" or anything like that. Don't
5 contact Ana. Don't contact Vanda. The only people that
6 you need to contact if you have any questions -- and I
7 know Vanda already spoke about this -- but you talk to
8 the Contract Management Unit. And that's on page
9 sixteen of the R.F.P. It gives the e-mail.

10 Because we've run into so many problems over
11 the years where we've had people, you know, contact
12 various people and it's been inappropriate, and then
13 we've had to have investigations done. We have to make
14 contacts, lists, you know, as to like anyone who is a
15 provider or a potential provider who's contacted people.
16 We have to notify the Office of the State Comptroller.
17 It becomes very problematic. So we really don't want to
18 run into any problems, so just make sure you contact
19 only the Contract Management Unit unless you're a
20 current provider and you're actually contacting, you
21 know, your contract manager, say like Ana, regarding a
22 current contract. That's fine. That's, you know, no
23 violation there. But if you're contacting Vanda to say,
24 you know, "Did -- did you get my package?" then that's a
25 problem. And no cards, no flowers, no cakes, no

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2 cookies, nothing, okay? So as long as we're clear on
3 that.

4 MR. NESICH: And on that note, you can
5 certainly contact the Contract Management Unit and ask
6 them if the proposal was received.

7 MS. KILEY: Right, right.

8 MR. NESICH: So there's a way to do that. And
9 the -- the reasons for this are obvious.
10 I think unless anyone on the Parole side has anything
11 else they would like to add or need to add -- anyone?
12 Okay. Then let's go to questions and answers. Now I
13 think what we'll do is we'll -- we'll rotate. We
14 basically have four sites of questions. We've got
15 Albany, New Rochelle One, Two, and Rochester, so why
16 don't we go in that direction? And Ana, what I'll ask
17 you to do, please, is to take care of the -- of the New
18 Rochelle sites in terms of identifying the next person,
19 picking him or her out of the hands that go up. And the
20 same thing, Elizabeth, in Rochester, and we'll do so
21 here in Albany.

22 MS. SEWARD: Detrell is handling --.

23 MR. NESICH: Oh, I'm sorry.

24 MS. ENRIGHT: Yeah, Jeff -- Jeff, I'm going to
25 have Detrell Howell because she's -- we're in

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2 separate -- on separate -- on different floors.

3 MR. NESICH: Okay. So Detrell is New Rochelle?

4 MS. ENRIGHT: SO Detrell will be in charge of
5 New Rochelle One, first floor, and I'll be in charge of
6 the New Rochelle second floor conference room.

7 MR. NESICH: Okay. Detrell and Ana. Okay.
8 And again, when you're selected, name, organization,
9 question, and speak slowly and carefully so that we can
10 get everything correctly on record. Let's start with
11 Albany. First hand, yes, sir?

12 MR. POPPITI: Joe Poppiti. Actually, I have
13 two to three short questions. I don't know if I can do
14 them all at once.

15 MR. NESICH: If they're really short, yes.

16 MR. POPPITI: I -- I just want to -- I think
17 you may have already answered this, Jeff, but I just
18 wanted to verify, on the N.W.B.E. forms, the only things
19 required for the R.F.P. are the two forms that are
20 there, the policy statement and that staffing plan,
21 correct?

22 MR. NESICH: Yes.

23 MR. POPPITI: Okay. And the -- unlike maybe
24 previous R.F.P.'s, the Section 139, State Finance Law,
25 for -- doesn't apply for a nonprofit this time around.

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2 That's correct.

3 MR. NESICH: That's right. That's why it's
4 broken out.

5 MR. POPPITI: Okay. I'm curious. The only
6 thing I've seen so far with the attachments and the
7 forms -- and some of them are kind of complex. I don't
8 see any Excel sheets or anything like that on the
9 website. All I see is a P.D.F. file that obviously we
10 can't enter any information even if you had Acrobat.

11 MS. FARLEY: We can certainly add the Excel
12 spreadsheet to the website.

13 MR. POPPITI: Okay. All -- for all the
14 attachments, especially the budget?

15 MS. FARLEY: Yes, for all -- for --.

16 MR. POPPITI: Yeah, okay.

17 MS. FARLEY: They're actually in one file, tabs
18 at the bottom for each of those three forms.

19 MR. POPPITI: Oh, terrific, okay. And they'll
20 be available when, do you think?

21 MS. FARLEY: Tomorrow.

22 MR. POPPITI: Tomorrow? Monday, you mean?

23 Okay.

24 MS. FARLEY: If I do it -- if I do it today --

25 MR. POPPITI: Yeah, okay.

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2 MS. FARLEY: -- we can have it on there for
3 tomorrow.

4 MR. POPPITI: And -- and one last thing. It
5 may be obvious, but when you talked about that twenty
6 thousand, four hundred dollar cap, say we have a
7 personnel, an O.T.P.S., it comes out to a hundred
8 thousand, ten thousand on third party revenue. that
9 twenty thousand cap would apply then to the ninety
10 thousand dollars?

11 MR. NESICH: Yes. Yes, it would.

12 MR. POPPITI: Yeah, okay. Okay.

13 MR. NESICH: Also, that was just an excellent
14 question and a very critical answer that Barbara just
15 gave. So just for everyone, Barbara, could you explain
16 what -- what's -- what we're going to put on the website
17 in terms of the Excel.

18 MS. FARLEY: It's -- it's actually the Excel
19 spreadsheet that looks identical to what you have in the
20 P.D.F. form on -- on the website now, and there'll be
21 tabs at the bottom of the one file that you can click on
22 for each of the three forms.

23 MR. POPPITI: Okay. Okay. Terrific.

24 MS. FARLEY: Yes.

25 MS. KILEY: And this is Kathy Kiley again. I

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2 just want to clarify. Even though, if you're a
3 not-for-profit, you don't have to fill out the forms
4 regarding 139(j) and (k). Still, the -- the no contacts
5 apply. So you only contact the Contract Management Unit
6 if you've got a question.

7 MR. POPPITI: But -- but we're -- oh, okay. I
8 just want to make -- but we're not --.

9 MR. NESICH: You don't have to fill out the
10 form, but -- but -- but adhere to it.

11 MS. KILEY: No, you don't have to fill out the
12 form, but just -- just, you know, make sure you contact
13 the Contract Management Unit if you have any questions
14 or anything like that. That's all I'm saying.

15 MR. POPPITI: But we don't have to submit them
16 as part of --?

17 MR. NESICH: No.

18 MS. KILEY: No. No, you do not as a
19 non-for-profit. I just wanted to clarify that.

20 MR. NESICH: Okay. Let's go to New Rochelle
21 One, and that would be Detrell.

22 MS. HOWELL: Anyone have any questions that
23 they'd like to ask? Sir, please state your name and
24 your questions.

25 MR. BROWN: Yeah. How you doing? Jack Brown

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2 from Community First Services. I have a question. The
3 funding for these catchment areas, has that already been
4 set aside by the State? And I ask that only because in
5 the past, this R.F.P. has come out, I think, under the
6 Division of Parole. And a couple of times after the
7 submission of proposals were -- were handed in, we got
8 letters basically stating there was no funding for --
9 for this program moving forward. So I just want to be
10 clear that the funding has already been set aside for
11 these catchment areas.

12 MR. NESICH: The reality is that all funding,
13 you know, for the State is subject to change. So no
14 different than this program and a lot of other
15 initiatives that are going on, there are things that can
16 happen certainly that could impact the funding for
17 those -- any programs including this one. This funding
18 will have to be re-appropriated in the budget -- the
19 governor's budget that he'll introduce in two weeks.
20 And the legislature will have to again appropriate this
21 funding. However, in answer to your question, certainly
22 at this point in time everyone seems completely on board
23 with the continuation of this funding and these
24 programs.

25 The other thing I would mention, just

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2 historically, is while there have been some initiatives
3 in the past, particularly a very secure residential
4 program that we attempted to do for high risk offenders
5 such as sex offenders about four years ago, and that
6 money was eventually eliminated. This particular
7 program, the community-based residential program,
8 C.B.R.P. program, has been around for fifteen, twenty
9 years and has never been diminished in any way. So
10 certainly the track record is pretty good.

11 MS. HOWELL: Any other questions?

12 MR. WERLIN: I -- I have a number of questions,
13 if I can ask them. My name is Jonathan Werlin, and I'm
14 at Palladia. In the first catchment -- first two
15 catchment areas, is it permissible to have those two
16 programs in one facility? To have a men's program and a
17 women's program together?

18 MR. NESICH: Yes, but I think that's
19 specifically addressed. And let's --.

20 MR. WERLIN: Does catchment area one --?

21 MR. NESICH: Let's go to the language.

22 MS. FARLEY: Page five at the top.

23 MR. NESICH: Okay. Please note that a provider
24 can submit more than one proposal for any catchment
25 area. However, said proposal must be for a different

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2 physical location." So if you're going to have a
3 building with two twenty bed programs in the same
4 location, that's not what we're asking for. We're
5 asking for two separate locations.

6 MR. WERLIN: That's -- that's not -- that
7 wasn't actually my question. My question was -- so
8 that's the catchment area one. There's -- it's possible
9 to have two twenty bed men programs, and those have to
10 be in separate locations. But catchment area two is the
11 same physical location -- you know, the same set of
12 counties as catchment area one, except it's for fifteen
13 women.

14 MR. NESICH: You're asking can -- can a -- can
15 a male program and a female program be in the same
16 location? The answer to that question is yes. The
17 R.F.P. does not preclude that from happening. However,
18 since it is a question of -- I think of particular
19 interest to the Reentry people, if that answer changes,
20 we will issue a clarification within two business days
21 telling you that. But at this point, pursuant to the
22 specific language in the R.F.P., that is not precluded.

23 MR. WERLIN: Can I ask another related question
24 to that?

25 MR. NESICH: Well, yes. And then what I want

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2 to do is then I want to go to -- to Ana in Rochester so
3 we can keep moving. And certainly, when we come back,
4 you can ask as many as you need. We're in Detrell's
5 group now, right? Detrell, we're in your floor, right?

6 MS. HOWELL: Yes, you are.

7 MR. NESICH: Okay. So --.

8 MS. HOWELL: That other gentleman that has a
9 question, can he ask that?

10 MR. NESICH: Why don't we go -- why don't we
11 move around a little bit because I just don't want
12 people to get -- so why don't we go to Ana, to your
13 floor for a question? And then we'll just keep coming
14 back.

15 MS. ENRIGHT: Yes, okay. Yes, we have a
16 question here.

17 MS. DIAZ: Good afternoon. My name's Silva
18 Diaz; I'm with Pathways Renewed. And in attachment B,
19 page two, you reference a staff-to-resident ratio, and
20 it says it's to be determined, but is that -- is the
21 expectation is that to be determined and provided to you
22 when we submit this? Or is there something that you
23 would provide us to clarify that, what your expectation
24 is with regard to the ratio?

25 (Off-the-record discussion)

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2 MR. NESICH: We're in attachment B, you said?

3 Page two of the R.F.P.?

4 MS. DIAZ: Attachment B-- yeah, attachment B
5 under personnel at the bottom of page two.

6 MR. NESICH: Yes.

7 MS. DIAZ: Scope of services.

8 MR. NESICH: Scope of services? Okay. You're
9 talking about item B one, is that correct?

10 MS. DIAZ: Correct.

11 MR. NESICH: And you're asking do we have a
12 specific ratio of staff that we require? Is that the
13 question?

14 MS. DIAZ: Yes.

15 MR. NESICH: Okay. The answer is no. Because
16 if we did, it would have to say it here. So what we say
17 is adequate, which will be determined by the scorers of
18 your proposal. However, we do give you some preferred
19 staffing. And Vanda, if you wanted to elaborate on that
20 or not?

21 MS. SEWARD: Well, I -- I think that if you're
22 running a community-based organization and you have a
23 house and let's say it's all men and they're in between
24 the ages of eighteen and forty, that you should have a
25 staff that is representative of your population. If you

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2 have Hispanic people as part of your population, you
3 should make sure that you have a ratio where you have a
4 Spanish-speaking staff. If -- if -- if you have a
5 population where the bulk are African Americans, then
6 you should have a mixture. I just think that most
7 community-based organizations understand that there is a
8 staff-to-client ratio, and it should be representative
9 as such. I mean, we don't also want to have one case
10 manager trying to service fifty people. That's not
11 doable. That doesn't make sense.

12 So I think in your response in your R.F.P.
13 to -- response to the proposal, you need to be clear on
14 how you're going to ratio this based upon the staffing
15 pattern that fits within the scope of the budget.

16 MR. NESICH: And in the reference to the
17 preferred staffing, what we try to lay out is -- is the
18 components that would be required. And we're looking
19 for a fulltime administrative director, experienced case
20 managers, plural. So that gets at the ratios Vanda was
21 talking about. And when we talk about twenty-four hour
22 staff coverage for security and control, clearly a
23 program that has an infrastructure of cameras already
24 installed, you know, perhaps can provide better security
25 with one person than a program without any of those

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2 cameras can with one person. So those are things that
3 we put here as guideposts, but we don't require a
4 specific ratio.

5 All right. Let's go to Rochester for a
6 question.

7 MS. WILK: Can you hear us?

8 MR. NESICH: Yes.

9 MS. SEWARD: Yes.

10 MS. WILK: You can hear us? Okay. We have one
11 question.

12 MS. DRAKE: My name is Pat Drake, and I'm with
13 Volunteers of America. I believe this question was
14 asked in Albany, but I didn't hear the answer. Does the
15 bed cap amount include the third party income?

16 MR. NESICH: Yes, it does. Yes, it does.

17 MS. DRAKE: Okay. Thank you.

18 MR. NESICH: All right. Let's go back to
19 Albany.

20 UNKNOWN SPEAKER: Does Gino have any questions?

21 MR. NESICH: Oh, Gino, do you have any -- well,
22 Gino is just -- let's go to Albany. Any questions?
23 Yes?

24 MS. CURTIN: Liz Curtin, Community Resources
25 for Justice. It's a clarification, Vanda, of what you

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2 had addressed on the groups. You can submit a proposal
3 for one of the groups or you can submit for all of the
4 groups? There's no point differential there --

5 MS. SEWARD: No.

6 MS. CURTIN: -- is that correct?

7 MR. NESICH: Well, let me say there -- the --
8 the -- the scoring is such that if a proposal says I can
9 take anybody, and another program says I'll only take
10 this one group, it's safe to assume probably that you're
11 going to receive more -- you know, more points by -- by
12 being, you know, a partner that could take anyone who we
13 would send.

14 MS. SEWARD: Right.

15 MR. NESICH: So there will be -- you will
16 still -- I mean, that proposal could certainly get an
17 award. They -- they would go and they would be scored.
18 But just like if you come in at -- at a higher cost than
19 another proposal, that's going to cost some points. But
20 by --.

21 MS. SEWARD: Right. But -- but at -- but at
22 the same time, let's say you say you can handle
23 catchment group D, which is our sex offenders.

24 MR. NESICH: That's right. Now you might get
25 more points -- you might get more points than --.

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2 MS. SEWARD: You know? You know, so it
3 really --.

4 MR. NESICH: Yes, you -- you really -- and
5 exactly. You're a hundred percent right.

6 MS. SEWARD: Okay. But I think everybody needs
7 to be clear, though, that as you talk about the client
8 groups, you need to make sure that you're matching the
9 client groups with your service capabilities.

10 MS. CURTIN: Sure.

11 MR. NESICH: That's very important.

12 MS. SEWARD: Yeah. Don't just say you can take
13 them and then once we get the grant moving, now you want
14 to carve out and have exclusionary groups.

15 MR. NESICH: Yeah. Now let me give you an
16 example, too. Now let's say you -- you submit a
17 proposal and you say I can take group D, sex offenders.
18 You get an award. We go out to do the site visit. We
19 find out there's a playground around the block. We
20 realize there's a local ordinance, and we realize that
21 you shouldn't be able to take sex offenders. Now you
22 can't. We awarded you the proposal, but you can't do
23 what you said. You're going to lose the award.

24 So obviously, these things can happen after the fact.

25 And then you have to be -- you know, then we work -- we

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2 have to work it out with you, but know about the
3 restrictions and things that -- that -- that are in
4 place for your program. As Vanda said, don't say I can
5 take sex offenders if you can't based upon your physical
6 location.

7 MS. SEWARD: Right. But I think also for those
8 of you who are newer in the C.B.R.P. process, you need
9 to -- if -- if this is a newer housing component that
10 you're thinking about that you already have up, but you
11 may not be dealing with people with criminal records,
12 per se, or people on parole, you need to make sure that
13 that community is aware that this is what you're getting
14 ready to embark on, not that you just figure you already
15 have a house and you're already taking homeless people,
16 so now I'm going to throw some parolees in there. You
17 need to make sure that the community boards or the city
18 board or the planning boards are aware that you're
19 getting ready to earmark a particular group of people.

20 MR. NESICH: That's right.

21 MS. SEWARD: But you just need to make sure of
22 that because at the end, like Jeff said, we don't want
23 to have to come out and then now you tell us about all
24 the restrictions and what you can't do, and then we have
25 to retract the funding from you.

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2 MR. NESICH: Well, let's go to -- I just want
3 to keep moving if -- if that's -- I hope that's fair
4 with everyone. Back to New Rochelle, Detrell?

5 MS. HOWELL: Mr. Rivera?

6 MR. RIVERA: Yes, Victor Rivera with Bronx
7 Parent Housing Network. There's two questions, but the
8 most important one is I want to talk a little bit about
9 the C of O. When you talk about the -- the certificate
10 of occupancy, if I have a facility that has -- because
11 it's very difficult to find twenty S.R.O. rooms. But if
12 I have a facility that has ten apartments -- ten class A
13 apartments, but they're all three bedroom apartment --
14 three bedroom apartments, can I use each room as a bed
15 for each man?

16 MR. NESICH: Well, correct me if I'm wrong, but
17 if -- if -- if the local authorities give you a
18 certificate and say that it's an appropriate use of a
19 ten bed unit for thirty people, three per unit, I would
20 think that that certainly allows you to do under thirty,
21 if -- if -- if I understand your example correctly. In
22 other words, if you --.

23 MR. RIVERA: Well, that --.

24 MR. NESICH: Is that not what you're asking?

25 MS. SEWARD: Let me answer your question. I

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2 think -- I think -- let me answer your question. I
3 think the main question that I have for you is, "Does
4 the landlord know that you're utilizing that apartment
5 for this purpose?" That's the first thing. If it's a
6 three --.

7 MR. RIVERA: Yes, the landlord does --

8 MS. SEWARD: Okay. No problem. If it --.

9 MR. RIVERA: Yes, the landlord does know.

10 MS. SEWARD: All right. If it's a three
11 bedroom apartment, they would have an anticipated
12 occupancy for that apartment. So most -- and you have
13 to check it, and you may have to go through the landlord
14 to find this out, but every apartment, there is an
15 expected amount of occupancy when you start dealing with
16 landlords. So if that apartment is cleared for six
17 occupants, figuring two in each room, then you're okay.
18 But if you start to use the living room and the foyer
19 and the hallway, those are not living spaces.

20 MR. NESICH: These are -- these are stories --
21 these are life -- real life examples. Generally
22 speaking, if you have a building that says you can have
23 twenty-five people in it and you're putting fifteen in,
24 you should be okay because normally they come and it's a
25 cap of what you could do. But don't forget, the

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2 building has to be zoned commercial or residential. I
3 mean, there's all those things that you have to make
4 sure that the use is appropriate.

5 MS. SEWARD: Now in your case, if you were to
6 submit the application, you wouldn't have a C.O.O., but
7 you should have something written from that landlord
8 that is saying that they are agreeing upon you utilizing
9 that apartment in that building for the said purposes
10 under your agency.

11 MR. NESICH: But -- but in addition --.

12 MR. RIVERA: Thank you.

13 MR. NESICH: But -- but in addition, you will
14 have to get from the landlord something that shows that
15 his building or her building that they own can be used
16 for that purpose.

17 MS. SEWARD: Right.

18 MR. NESICH: It might be a letter from the
19 city, if not a certificate of occupancy. We don't want
20 someone to have a building that's zoned industrial, and
21 all of a sudden they're using it, you know, for this
22 purpose.

23 MS. SEWARD: So you can go to the Building
24 Department and get what you need. But then at the same
25 time, you have to get the information from the landlord

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2 which indicates that that apartment in that
3 hypothetically twenty dwelling building is allowed to be
4 used for the purposes in which you're using it for.

5 MR. RIVERA: Thank you.

6 MS. SEWARD: You're welcome.

7 MR. NESICH: All right. Let's go upstairs.

8 Ana?

9 MS. ENRIGHT: Does anybody have a question
10 here? Okay. We have a question.

11 MR. NESICH: Yes.

12 MS. DIAZ: Hi, this is Silva -- Silva Diaz
13 again from Pathways Renewed.

14 MR. NESICH: Okay.

15 MS. DIAZ: In attachment C, page one, you
16 reference under agency summary, Section B, to describe
17 your understanding of the program and its objectives as
18 described by the -- and then for some reason there's
19 no -- nothing else, but then it says "in attachment B."
20 Would you be referring to then the scope of services?
21 Because just an assumption, but I didn't want to assume
22 it without --.

23 MS. SEWARD: Can you repeat the point of
24 reference?

25 MS. DIAZ: Absolutely. In attachment C, page

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2 one --

3 MR. NESICH: Uh-huh.

4 MS. DIAZ: -- under agency summary --

5 MR. NESICH: Yes.

6 MS. DIAZ: -- B, B says to describe your
7 understanding of the program, its objectives as
8 described by the -- and it looks like that there's a
9 word missing maybe. And then it references an
10 attachment B. So I'm assuming it was the scope of
11 services, but I didn't want to assume it without --.

12 MS. FARLEY: We'll do a clarification.

13 MR. NESICH: Yeah, we'll -- we'll -- we'll do a
14 clarification on that. But yes, I mean, attachment B is
15 the scope of services. But we'll do a clarification for
16 that missing word.

17 MS. FARLEY: Good catch.

18 MR. NESICH: See, we actually had a -- we
19 would -- we wanted to see how many people would actually
20 catch that typo, so a special award to -- to yourself.

21 (Off-the-record discussion)

22 MR. NESICH: I told Garfield no one would catch
23 that. He bet me somebody would, so -- all right. Thank
24 you. Let's go over to Rochester. Any more typos?

25 MS. WILK: We have -- no, but we have a -- we

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2 have a question.

3 MR. NESICH: Yes?

4 MR. HAID: Jim Haid from Hope of Buffalo. If
5 there -- if one of our facilities is already receiving
6 either OTDA funding or a SHP contract, does that
7 eliminate us from applying?

8 MR. NESICH: Well, let's -- let's define those
9 terms, first of all. Office -- OTDA is the Temporary
10 Disabilities Administration -- Office of -- right?

11 MR. HAID: Yes, yes.

12 MR. NESICH: And what was the other group?

13 MR. HAID: SHP.

14 MR. NESICH: Which stands for --?

15 MR. HAID: The Supportive Housing Program.

16 MR. NESICH: Okay. Well, first of all, the --
17 the -- the answer not only to those two questions -- but
18 let me give a ten thousand foot answer -- is that that
19 would depend on any restrictions that those entities
20 have associated with the use of their money. From our
21 purposes, we don't. We have no restrictions to you
22 using money from those sources. We have no restrictions
23 if you would get a federal grant for X amount of money.
24 If the feds say it's okay to use it as third party
25 revenue for this program, that's fine.

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2 Now the -- the latter program, I think, is the new name
3 for what has always been the Housing Assistance Program,
4 which is the general -- it used to be called the shelter
5 rate, I think. So that's -- that -- if -- if I'm
6 correct in that, that's generally the lifeblood of third
7 party revenue for residential programs anyway.

8 MS. PERROTTY-MCLAUGHLIN: Well, I think he's --
9 what's he's saying is can he participate in this R.F.P.
10 if he already has funding from other -- those other two
11 entities.

12 MR. NESICH: Oh, yes.

13 MS. PERROTTY-MCLAUGHLIN: And then he -- yes.
14 Yes.

15 MR. NESICH: Absolutely. Yeah, absolutely.
16 Absolutely.

17 MS. SEWARD: Right. But the only concern that
18 I have with that is you've got to make sure that you're
19 not taking the same parolee --

20 MS. PERROTTY-MCLAUGHLIN: Yeah.

21 MS. SEWARD: -- and -- and -- and --

22 MR. NESICH: In terms of -- its permanent or
23 temporary.

24 MS. SEWARD: -- double billing.

25 MR. NESICH: Okay.

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2 MS. SEWARD: You have to make sure your records
3 are clear --

4 MR. NESICH: Yeah, I see what you're saying.
5 Sure.

6 MS. SEWARD: -- and that we can see when our
7 funding begins and ends and when the next funding source
8 begins and ends.

9 MR. NESICH: But the reality is if you have a
10 person in the community who believes in rehabilitation
11 and says I'll give you a hundred thousand dollars a year
12 to run this program, you can take that hundred thousand
13 dollars to offset out costs, and that's fine. Our
14 concerns there would be is this person going to keep
15 giving you the hundred thousand. But third party
16 revenue is -- is essentially that. It's revenue that
17 comes from another source that reduces the cost for the
18 Department of Corrections. I believe we now will go
19 back to Albany. Yes, sir?

20 MR. GUY: Dick Guy, Community Resources for
21 Justice. Good afternoon.

22 MR. NESICH: Good afternoon.

23 MR. GUY: I'd just like clarification if a
24 license of any kind is applicable to this program out of
25 New York State -- required.

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2 MS. SEWARD: What do you mean by license?

3 MR. GUY: Well --

4 MR. NESICH: It's the question we had this
5 morning, remember?

6 MR. GUY: -- I'm wondering, as far as an
7 operational piece, if a license would be required --

8 MR. NESICH: It -- it's not.

9 MS. SEWARD: No.

10 MR. GUY: -- for New York State. Okay. Just
11 wondering.

12 MS. SEWARD: If -- if -- if -- if you're not an
13 O.M.H. facility, then we're not looking for you to have
14 an O.M.H. license. If you're not a substance abuse
15 facility, we're not looking for you to have that.

16 MR. GUY: Okay.

17 MR. NESICH: In effect, the only license, so to
18 speak, that you have, by definition, that you'd be
19 required, is that certificate of occupancy. The reason
20 why we have that reference in there -- a license, if
21 any -- was we actually had that conversation,
22 interesting enough, this morning, is that if your
23 program had a specific thing that you were going to
24 offer to make it very attractive to us and a license
25 required you to have that special thing, we want to know

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2 that you have that license.

3 MS. SEWARD: Right. And -- and -- and to give
4 just an example, if you say you provide mental health
5 treatment, but you're not a O.M.H. facility, that's a
6 problem. Even if it's not a S.M.I., it's still a
7 problem because you're kind of out of your league, you
8 know? If you say that you provide case management
9 linkages, that's a little different. We would expect --
10 we -- we know -- we know you won't have a license, but
11 we would expect that the staff that you hire is staff
12 that has experience in case management and can actually
13 do the work that's going to be set before them.

14 MR. GUY: Thank you.

15 MR. NESICH: All right. Let's go back to New
16 Rochelle and Detrell.

17 MS. HOWELL: Okay. We have one gentleman. You
18 said you had a follow-up question?

19 (Off-the-record discussion)

20 MR. WERLIN: So my name is Jonathan Werlin. I
21 asked a question before.

22 MR. NESICH: What program, sir?

23 MR. WERLIN: It sort of relates to what you
24 just said.

25 MR. NESICH: Well, no, the program -- where --

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2 where are you from, sir? The program?

3 MR. WERLIN: Palladia.

4 MR. NESICH: Palladia? Okay. Good. Good.

5 Thank you.

6 MR. WERLIN: Palladia. So if we have other
7 programs -- other residential programs that have
8 available space, can we essentially co-locate this
9 C.B.R.P. at, for example, an intensive residential
10 substance abuse treatment program?

11 MR. NESICH: There is nothing in the R.F.P.
12 that prevents you from using if you have, you know, a
13 portion of a building for this twenty bed program or for
14 the fifteen bed program. However, you know, there are
15 obviously going to be concerns that we're going to have
16 in terms of, you know, co-mingling and all of those
17 things, but there's nothing that prevents you from
18 having that in the same building.

19 Vanda, you had mentioned -- we had a sidebar earlier in
20 reference to your questions about having a female
21 program in a program -- in effect, having A and B in the
22 same program. Did you want to reference that?

23 MS. SEWARD: Right. I think my -- my
24 concern -- I mean, it's not that it's not doable, but I
25 need to make sure that the women that are in your --

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2 that particular unit are safe -- are safe. So I think
3 that when you are to write that narrative up, you need
4 to kind of throw something in there about safety for
5 that population because you have two populations on the
6 same premises.

7 I think the other thing that -- if you take
8 time and read this R.F.P., we are not leaning primarily
9 toward substance abuse either. That's one of many
10 areas. So take time to read the -- the R.F.P.
11 thoroughly, because if you put everybody in substance
12 abuse, that carves out another group of people.

13 MR. NESICH: Also, please understand if you
14 submit more than one proposal, and particularly if you
15 submit more than one proposal in the same catchment
16 area, or A and B right down in New York City, do
17 recognize that certain things like your indirect cost
18 rate obviously should be the same because the indirect
19 cost rate comes out of the organization. So you know,
20 don't submit, you know, separately because that --
21 that'll be a red flag to us that you're -- that you're
22 not really understanding what -- what that -- how that
23 rate works.

24 MS. PERROTTY-MCLAUGHLIN: They'll be submitted
25 separately, but they'll be identical -- similar.

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2 MR. NESICH: Submitted separately, but they
3 should -- the indirect cost rates would be identical.

4 MS. SEWARD: I think -- I think also when
5 you -- if you start to think about providing services
6 for the females, for those who are not used to providing
7 services for females, I would encourage you to do your
8 research so that you can find out what their needs are
9 so that your R.F.P. response is comprehensive.

10 MR. NESICH: Typically, what happens when you
11 have programs that have -- organizations that have
12 multiple programs in one building particularly, it
13 becomes very problematic in terms of the identification
14 of costs specific to each program and what methodology
15 is used, how the indirect cost rate is used, and all
16 those things. So I would certainly pay close attention
17 to that.

18 And I could also assure you that if such a
19 situation resulted in a contract award, we'd probably
20 work with you very closely in the beginning and pay
21 special attention to making sure that those allocation
22 of costs and indirect cost components, from day one,
23 that they're calculated properly. I think we now go
24 upstairs to Ana.

25 MS. ENRIGHT: Yes, we have one.

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2 MS. LINARES: Kathaleen Linares from Hour
3 Children. I wanted to clarify the substance abuse
4 section because we currently have work release and
5 they're not subject to routine drug testing except by
6 the Parole Department. So it -- it says "shall be
7 subject." Would we be required to have monthly testing?

8 MR. NESICH: Yeah, they are.

9 MS. LINARES: Page eleven.

10 MR. NESICH: I just want to see what -- what
11 page you're on because we want to --.

12 MS. LINARES: Page eleven.

13 MR. NESICH: Chemical dependency services.

14 MS. LINARES: Chemical dependency.

15 MR. NESICH: Yeah.

16 MS. ENRIGHT: Attachment B.

17 MR. NESICH: Yes, I mean, if you -- essentially
18 you look at the second line of three A -- okay. Oh,
19 that's counseling. All substance abuse test will be
20 documented on a monthly basis. Yeah. Yes, it's -- all
21 substance abuse tests will be documented on a monthly
22 basis. So you will have -- I think the item D says all
23 residents are subject to testing once a month within the
24 first -- within the first twenty-four hours of program
25 admission, once a month thereafter. So item D, 3-D, is

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2 your requirement, your minimum requirement for testing
3 for residents under this contract.

4 MS. SEWARD: Right. But your work release
5 people wouldn't fit in this contract --

6 MR. NESICH: That's right. Work release people
7 are technically --

8 MS. SEWARD: -- who are inmates.

9 MR. NESICH: -- are technically inmates.

10 MS. SEWARD: They're inmates. They're not
11 parolees.

12 MR. NESICH: All right. Let's go to Rochester.

13 MS. WILKS: Any questions? I think we're good
14 here.

15 MR. NESICH: Okay. Well, we'll come back --
16 we'll -- we'll -- we'll come back one more time for
17 anybody. Let's go back to Albany. Yes, sir?

18 MR. POPPITI: Yeah, Joe Poppiti, Altamont
19 Program. Is it -- without going into great detail,
20 could somebody just sort of go through that indirect
21 cost allocation table quickly as to what all these
22 figures mean, and then -- because it -- as -- as -- the
23 more I look at it, I -- I -- I wonder how in the world
24 our organization would fit into this table.

25 MR. NESICH: Okay. First, your organizations

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2 are probably -- whether you're specifically familiar
3 with that form or not, the accountant firms that would
4 do your annual statements are probably very, very
5 familiar with them.

6 UNIDENTIFIED SPEAKER: What page?

7 MR. NESICH: This is attachment E one. It's
8 the last page before --

9 MS. PERROTTY-MCLAUGHLIN: Page four attachment.

10 MR. NESICH: -- page four attachment. Does
11 everybody have it? I'll walk you through it. It's
12 actually a lot simpler than it looks. And again,
13 you're -- you're -- on your annual statements that your
14 accountants would do, they have to use this form, this
15 format. It's how you do indirect costs. All right.
16 Essentially, here's the way it works. What you want to
17 do with indirect cost is you capture all of the expenses
18 that deal with all of the programs. Now some programs
19 have typically said I'll charge you thirty percent, you
20 forty percent, and you thirty percent. But now you have
21 to have -- when we audit you, you're going to have to
22 have time records that say that counsel was thirty
23 percent, forty percent, thirty percent. You can do that
24 on small programs, and that's been done on small
25 programs. But we do have to come up with that

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2 methodology, which means you don't have to have an
3 indirect cost rate. You can actually have a time
4 allocation methodology.

5 If you have an indirect cost rate, and
6 particularly large programs do, it works this way. You
7 look at the first category, column one. You see your
8 major objects there. Now column two is your DOCCS
9 program. That's the program you now have proposed to
10 us, and there's all the money.

11 Now you also have three other programs in this
12 phantom group. You have your city program -- and by the
13 way, the page before that, we actually filled in numbers
14 for all that. So let's look at that. The page right
15 before that. Well, actually, that's what you guys are
16 looking at, page four. I was looking at the blank one.
17 Okay. You also have this program called the city
18 program, you have a federal program, and you have a
19 county jail program. And if you look at that subtotal
20 line, the DOCCS program is two hundred thousand dollars,
21 the city is a hundred, the federal program is four
22 hundred thousand, the county program is three hundred
23 thousand. So those four programs with the program that
24 you proposed is a million dollars in direct cost. And
25 that accounts for all your costs for your agency, right?

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2 Well, it doesn't, because your budget director walks in
3 and says, wait a minute. I've got my salary, fifty
4 thousand dollars, and I deal with all four of these
5 programs, and I've got some overtime, and I've got some
6 contractual for our accountant who's going to do this
7 form for ten thousand dollars, and those costs are a
8 hundred thousand dollars. So you're not charging those
9 four programs enough money. Where do I get my hundred
10 thousand dollars? The indirect cost simply takes the
11 hundred thousand dollars and divides it into the
12 million. And what it says is every one of those direct
13 programs has got to give me ten percent more. So
14 Parole, I have a ten percent indirect cost rate. You
15 apply it to the two hundred thousand. I get twenty more
16 from you, ten from the city, forty from the feds, thirty
17 from the county. Look at that. There's my hundred
18 thousand dollars at the line below, which matches the
19 hundred thousand dollars I need here.

20 This is how indirect cost administrative
21 overhead -- this is how they're calculated. We were
22 very careful to put this together that it wouldn't be
23 too daunting for -- for the providers submitting
24 proposals. Therefore, we require -- if you ask for an
25 indirect cost administrative overhead, we require that

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2 you fill out this form and provide it to us. However,
3 we have reserved the right to contact you if you do
4 submit this form and we need to talk about why you
5 submitted, if -- if it's problematic. Because we don't
6 want to disqualify a proposal or throw them out if you
7 make a good faith effort to submit that form but just
8 have an accounting problem in doing so.

9 I will tell you this. Any programs that get
10 contracts, we -- we pay very close attention to the
11 indirect cost rate, because what we've found when we've
12 audited programs, that is probably the most problematic
13 area. And for those of you who have been audited by us
14 in the past, when we come back to audit you, you'll find
15 that we'll probably spend half our time in indirect cost
16 and half the time in everything else.

17 MS. GENTILE: Excuse me. We have like seventy
18 different funding --.

19 THE REPORTER: Your name?

20 MS. GENTILE: Oh, Jackie Gentile, Altamont. We
21 have like seventy different funding sources, so we have
22 to create a table with each source?

23 MR. NESICH: Or if you -- I mean, you could
24 certainly provide -- I mean, do you have an independent
25 accounting --?

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2 MS. GENTILE: Yeah. Can I get a letter from
3 our auditor and say this is -- because each year, he
4 determines --.

5 MR. NESICH: I would ask your auditor -- I
6 mean, he --.

7 MS. GENTILE: He'll write a letter. He does it
8 for other state agencies that this is what he's
9 determined are indirect costs and this is what it's
10 based on.

11 MR. NESICH: Yeah. He should take a shot at --
12 at -- he should put it in this format as best he can.

13 MS. GENTILE: Okay.

14 MR. NESICH: We're going to be as --.

15 MS. PERROTTY-MCLAUGHLIN: He can consolidate
16 the seventy into one column.

17 MR. NESICH: Yeah. Yeah, I mean, it -- you
18 could -- you could certainly --.

19 MS. GENTILE: You know, I know why Joe's
20 getting nervous.

21 MR. NESICH: If he puts the program and you
22 could -- you know, you could put those costs for the
23 other sixty-nine programs into one column. The point
24 here is that we have to make sure that the rate is based
25 on something more than just a number because we've found

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2 that indirect cost rates tend to be very problematic.
3 They are going to be subject to audit, and they will be
4 reviewed as part of the contract startup, and they are
5 going to be looked at closely. So we want to make sure
6 that we get off the ground with a agreed-upon
7 methodology for calculations. This is how we do
8 indirect cost. This is how we're going to audit your
9 indirect costs. So right from the start, we need to get
10 it into proper format. Jackie, you could certainly say,
11 "Here's the Parole program. Here's our other sixty-nine
12 programs."

13 MS. GENTILE: Okay.

14 MR. NESICH: And then have the calculation come
15 off of that. We're going to be very flexible. We don't
16 want to scare people off from submitting, but this is
17 something that's very important from a fiscal end.

18 MR. POPPITI: But we're not using
19 administrative overhead as a terminology in these
20 contract budget lines anymore?

21 MR. NESICH: It's administrative overhead,
22 indirect cost, we view them as the same.

23 MR. POPPITI: That's the same thing?

24 MR. NESICH: Yeah.

25 MR. POPPITI: We're okay? Okay. All right.

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2 MR. NESICH: Overhead sounds like we're --
3 anyone in that number, it can be -- it can be gotten rid
4 of, you know? It sounds like, Joe, you're in the
5 administrative overhead column. No. No, I'm in an
6 indirect cost. It's -- it's more euphemistic. You know
7 what I mean? I don't know about you, but I don't want
8 to be overhead. I want to be an indirect cost.

9 MS. CURTIN: I'm -- I'm just saying --.

10 MR. NESICH: Yes?

11 MS. CURTIN: That was going to be my question
12 as well. The intent here is to see an entire agency
13 with the proposed --

14 MR. NESICH: Yes.

15 MS. CURTIN: -- program with the indirect and
16 what it is.

17 MR. NESICH: Yes.

18 MS. CURTIN: And let me throw a wrench in that.
19 Would that include non-New York State pieces of its
20 agency?

21 MR. NESICH: It will if -- if the indirect cost
22 rate comes off a -- off an organization that's larger
23 than New York --

24 MS. CURTIN: Okay.

25 MR. NESICH: -- then it would.

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2 MS. CURTIN: Okay. Thank you.

3 MS. PERROTTY-MCLAUGHLIN: Just -- just as a
4 point of clarification, too, because we did require that
5 the indirect contract be included in the proposal so we
6 don't have indirect cost rates. Then you probably
7 should just acknowledge that you're not submitting one
8 purposely. Just say not applicable --

9 MR. NESICH: Yes.

10 MS. PERROTTY-MCLAUGHLIN: -- or something along
11 those lines, so when we're doing that pass/fail check --
12 because we actually look at it, and if it's not there,
13 they'll just push you aside. We want to make sure that
14 we recognize for whatever -- even if it -- it's on the
15 form and it says "not submitting" or "intentionally left
16 blank" or one of those things.

17 MR. NESICH: And -- and that's an excellent
18 point, because let's say you are responding to, you
19 know, one of those catchment areas in upstate New York.
20 And what is that, a five-bed program? You're responding
21 to one of the ten-bed programs, and that's all you have.
22 You've got a little building with ten beds and we're
23 your only client. You're not going to have an indirect
24 cost because the manager of that program, we're paying
25 every -- we're paying everything. So there is no

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2 indirect cost, and you don't need to have one.
3 It's just if you do, there are certain organizations
4 down in -- certainly down in New York, large
5 organizations, you have to have that because there's --
6 otherwise, you might under bill your clients. But
7 certainly, we can stay on that topic, but let's move
8 around a little bit to see if that sparks some interest.
9 In New Rochelle, first floor, Detrell?

10 MS. MCDARIS BLACK: My name's Cammie McDaris
11 Black. I'm from the Fortune Society. I have two
12 questions. May I ask them now?

13 MR. NESICH: Yes, please.

14 MS. HOWELL: Can she ask two questions?

15 MR. NESICH: Yes.

16 MS. SEWARD: Yes, quick.

17 MR. NESICH: We're very liberal now.

18 MS. MCDARIS BLACK: Thank you. My first
19 question is about the required number of bed slots to be
20 taken with each catchment. Specifically if we were to
21 apply to catchment one, would we have to take all of the
22 set of twenty-bed slots or can we have ten? Can they be
23 broken down at all?

24 MR. NESICH: In catchment area one, the
25 requirement is a twenty-bed program in one location.

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2 MS. MCDARIS BLACK: Okay. Okay.

3 MR. NESICH: No more, no less.

4 MS. MCDARIS BLACK: Okay. And my other
5 question is in regard to some language in attachment B,
6 the scope of services section.

7 MR. NESICH: Yes.

8 MS. MCDARIS BLACK: Specifically on page one,
9 section A, administration, subsection five, "No
10 individuals under community supervision shall have the
11 authority to supervise other residents." And similarly
12 on page three B, personnel, subsection three, "No
13 individual who has been convicted of a crime that -- the
14 question the competence or integrity of the individual
15 to provide services shall be employed," you know,
16 "without prior approval of DOCCS."
17 This is a bit of a concern to us at Fortune because
18 basically we've -- we've geared our whole model around
19 having cultural competence for our staff. We have --
20 over seventy percent of our staff have been involved in
21 the criminal justice system. Some are even currently on
22 parole. I note there are some exceptions. It seems
23 that with DOCCS' approval, we could have people who have
24 been formerly incarcerated work in supervisory
25 positions, but I just wondered what -- what the

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2 underlying message was there. If that -- if that is
3 something that you are very adamant against.

4 MR. NESICH: Well --.

5 MS. SEWARD: Well, it's -.

6 MR. NESICH: Excuse me. We have to stick to
7 the language in the R.F.P.

8 MS. SEWARD: Right.

9 MR. NESICH: So before I turn it over to Vanda,
10 it's not precluded, otherwise we would say it's
11 precluded. But we make it very clear that we don't want
12 anybody employed in that situation without it being
13 cleared by DOCCS community supervision personnel. But
14 let me turn it over to Vanda.

15 MS. SEWARD: Right. I -- I think what we're --
16 what we're saying is a couple of things. First, we have
17 to understand that when we're hiring people that are
18 under community supervision, and because packets of
19 parolee information is being shared between the DOCCS
20 entity and the C.B.O., we need to make sure that there
21 are mechanisms in place at all the agencies so that the
22 parolee's information is safeguarded and that they're
23 not being exploited by their own. That's the first
24 thing.

25 I think the other thing is -- is that if we're

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2 going to have somebody under active supervision seeking
3 a job with any of our contract programs, we want to know
4 who the person is. We want to make sure that
5 everything's okay. Because once again, what you do have
6 a -- we do have a concern about is if we have a parolee
7 that reports to 40th Street and they're working
8 alongside of a parolee at the Castle, it's safe to
9 assume that that Castle parolee reports to 40th Street,
10 the same place that that worker reports to. So it can,
11 you know, put people in a very precarious position. It
12 can also be very compromising.

13 So I think we're not saying that you cannot
14 hire. What we're saying is that we need to be part of
15 that hiring process as a screening to make sure that
16 everybody's on the same page.

17 MR. NESICH: And I would -- I would also
18 mention for your or any other potential providers'
19 protection, if it's an absolute requirement for a
20 program to be able to hire individuals currently on
21 parole, you need to tell us that, because you will
22 require an exception to do that. And you should not
23 assume that that exception is going to be granted when
24 submitting your proposal. You would need to tell us
25 that the grounds for doing business with your

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2 organization is that your organization hires parolees,
3 and then, you know, we will -- we will score that
4 appropriately, so --.

5 MS. SEWARD: Right. But I think we're also
6 looking at it from maybe even more of a mentoring -- a
7 peer mentoring concept. That's not, you know, too
8 farfetched. I think that we want to make sure that we
9 don't have people under supervision supervising other
10 people that's under supervision. I think that there may
11 need to be -- I mean, I think it's a good time because
12 this is a question that comes up all the time, I know,
13 for me. I think it's a good time to make sure that all
14 the community-based organizations incorporate language
15 in their personnel paperwork that includes the fact that
16 if anybody's coming to a parole office, that
17 confidentiality and -- and -- and some of the -- the --
18 the -- the -- the -- the -- the safety measures in
19 reference to coming into a parole office needs to be
20 incorporated in some of maybe the personnel paperwork
21 because it is definitely a different dynamic than going
22 to the local D.S.S. office.

23 MR. NESICH: I believe we're checking now. I
24 think there is language in here that essentially says
25 the Department of Corrections and Community Supervision

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2 has to approve of all hires anyway.

3 MS. SEWARD: That's right. And this is our
4 normal practice.

5 MR. NESICH: Page three, item three, in
6 attachment B. So as Vanda said, we're going to have to
7 approve of everyone you hire anyway, and that would just
8 be highlighted. But again, if that would be a
9 nonstarter for --.

10 (The conference was interrupted.)

11 MR. NESICH: That sounded a little ominous.
12 You know, let us know if that would be a nonstarter in
13 terms of a proposal submitted by your organization or
14 any organization out there.

15 Let's go upstairs. Ana, do you have any -- any
16 conversation provoked since we saw you last?

17 MS. ENRIGHT: No. I'm sorry. Do you have a
18 question?

19 MR. NESICH: I'm sorry, Ana?

20 MS. ENRIGHT: No questions right now.

21 MR. NESICH: No questions? Okay. Rochester?
22 Rochester, any questions?

23 MS. WILK: Rochester, any questions? No, we're
24 good. Thank you.

25 MR. NESICH: Okay. Back to Albany. Any

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2 questions? Yes, sir?

3 MR. GUY: Dick Guy, Community Resources for
4 Justice. You mentioned you need to approve hires. Do
5 you actually provide background checks?

6 MS. SEWARD: No.

7 MR. NESICH: No, we don't.

8 MS. SEWARD: That's for you to do.

9 MR. NESICH: Let's go back to New Rochelle,
10 first floor, Detrell?

11 MS. HOWELL: We do have a question.

12 MR. NESICH: Yes, please.

13 MR. RIVERA: My question is if -- if --.

14 MS. HOWELL: They want you to state your name.

15 MR. RIVERA: Hi. My name is Victor Rivera,
16 Bronx Parent Housing Network. If we are going to -- if
17 we are going to service sex offenders, do you guys -- is
18 there a catchment area, you know, a distance from
19 schools, number one? Or should we just go by city
20 ordinance and whatever our local community boards want
21 us to do? And do we have to separate sex offenders from
22 regular parolees?

23 MS. SEWARD: I think -- I think that if you are
24 working alongside with Parole now, you should know if
25 your residence has been cleared through SORA. You can

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2 always just ask -- give up an address, and they could
3 tell you if it's within the SORA guidelines.

4 As far as separating the -- the S.O.'s, we
5 don't require that you separate one group of parolee
6 from the other based upon instant offense, but we do
7 think that it's best that you separate based upon
8 cognitive impairments, if there -- if there are any,
9 disabilities, if there are any, and gender.

10 MR. RIVERA: Thank you.

11 MR. NESICH: Yes. Okay. So now we're going to
12 go back to Albany. Anyone? Oh, no, we were just in
13 Albany. So -- no, we were just in New Rochelle. Okay.
14 Ana, you're -- you had nothing. Rochester, nothing.

15 MS. ENRIGHT: Yes, we have something.

16 MR. NESICH: Yes, please, yes.

17 MS. ENRIGHT: We have something for you.

18 MR. NESICH: Yes, please? Yes?

19 (Off-the-record discussion)

20 MS. THOMAS: My name is Sunshine Thomas.

21 The -- this -- the company is S-N-G Management.

22 MR. NESICH: Okay.

23 MS. THOMAS: And my question is, from -- can
24 you have any parolees at any age group? It doesn't
25 matter?

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2 MS. SEWARD: Well, I mean, once again, when we
3 talked about -- when we talk about mixing parolees,
4 would you put a fifty year old in the same room with a
5 eighteen year old? That's not a best practice.

6 MR. NESICH: Are you --?

7 MS. THOMAS: Yeah, okay. That's --.

8 MR. NESICH: Okay.

9 MS. THOMAS: Go ahead.

10 MR. NESICH: Well, I was just going to ask.
11 Are you asking could you end up with a parolee who's
12 eighteen or a parolee who's sixty? The answer is yes.
13 You could be -- you're going to be -- you would be
14 referred parolees based upon groups A, B, C, D. So if
15 you said you could only serve group A, you're going to
16 get parolees in group A, but they could have a wide
17 range of age if -- I don't know if that's your question.

18 MS. SEWARD: Right. We have parolees as young
19 as sixteen, so I think --.

20 MS. THOMAS: Okay. But do they --?

21 MS. SEWARD: Go ahead.

22 MS. THOMAS: My question is, okay, from
23 eighteen to sixty. The ones that's sixty, do they need
24 any supervision?

25 MS. SEWARD: Everybody needs supervision.

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2 MS. THOMAS: Okay. All right. Okay. That's
3 my question.

4 MS. SEWARD: You're making it seem because they
5 old, they not, you know, public safety risks. They --
6 they just move a little slower, but they still have the
7 same criminal mindset.

8 MR. NESICH: That's -- you just got the
9 highlight of the transcript. All right. Let's see.

10 MR. RUSSI: If they are on parole, they are
11 being supervised, so of course, they will need
12 supervision.

13 MR. NESICH: Thank you.

14 MS. WILK: And just -- this is Rochester. We
15 have one more question --

16 MR. NESICH: Yes?

17 MS. WILK: -- when you're ready.

18 MR. NESICH: No, go right ahead.

19 MS. WILK: Are you ready for it?

20 MS. SEWARD: Yes.

21 MR. NESICH: More than ever.

22 MS. WILK: All right. Go ahead, sir. Your
23 name and your agency?

24 MR. GILES: Yeah, I -- I'm Pastor James Giles
25 from Back to Basics Outreach Ministries in Buffalo, New

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2 York. My question is concerning the catchment number
3 requirements. If there's a -- if it says fifteen, can
4 we utilize two different sites? My organization happens
5 to have scattered housing, and we have several different
6 sites --

7 MR. NESICH: It would have to be in one
8 location.

9 MR. GILES: -- but the site may not hold a
10 fifteen capacity. Do we have to submit two different
11 proposals or can we submit two different proposals and
12 split up the catchment, like ten at one place and five
13 at another place?

14 MR. NESICH: No, the proposal has to be for the
15 exact number, and it has to be in -- in one location.
16 We're looking for a --

17 MR. GILES: Okay.

18 MR. NESICH: -- fifteen-bed program that is all
19 in one place.

20 MR. GILES: Okay. Thank you.

21 MS. WILK: Thank you.

22 MR. NESICH: Okay. Let's go back to --.

23 MS. WILK: We're set here.

24 MR. NESICH: Okay. Let's go back to Albany.

25 MS. ENRIGHT: We have a --.

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2 MR. NESICH: We'll come back, Ana. Albany?

3 MR. DRAKE: Todd Drake, Empire Real Estate. I
4 know everybody wants to go. And I'm sure this is my
5 limitation in the R.F.P. process showing here, but what
6 I'm not clear on is -- is -- is release of the catchment
7 population. How do we know -- I'm in Albany -- what the
8 population need is here? So we've got an A, B, C, D.
9 Let's say we say we want to take D, but there's an A, B,
10 and C population out there. How -- how do we know that
11 need's going to be served by anyone bidding here? Or is
12 there something I'm missing in the -- the mix here?

13 MS. SEWARD: Well, let me -- and let me answer
14 you. The first thing is that if you're new to this
15 arena, research is the best thing I could refer you to.
16 You have to do your research to see what's out here.
17 You have to do your research to see what has
18 scientifically been stated that is needed to address the
19 criminogenic needs of this population. I think that
20 dollars look good, but the last thing you want is to
21 have, for example, twenty parolees at your location and
22 havoc breaks out. You will be on News 12, News 10, and
23 News 13, and we'll be sitting there right next to you.
24 So I think that you need to make sure that you've done
25 your research about what is needed.

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2 MR. DRAKE: Yeah, I recognize -- I respect what
3 you're saying, but that wasn't really the question that
4 I was asking.

5 MR. NESICH: Yeah.

6 MS. SEWARD: What is your question?

7 MR. DRAKE: What I was asking is, historically,
8 you could certainly say yes, we've had seventeen percent
9 D. We've had thirty-five percent -- what I'm wondering
10 is, going forward in 2012-2017, how do we know what need
11 that Corrections is going to have as it relates to the
12 specific population.

13 MR. NESICH: Yeah, we've done -- we -- in terms
14 of the census numbers, and we've -- we've done a full
15 analysis --.

16 MR. DRAKE: Okay. So you've --.

17 MR. NESICH: And what -- when we ask for ten
18 beds or fifteen beds and what catchment areas are in
19 here and what catchment areas aren't in here, it was all
20 based upon the analysis which shows that there are
21 sufficient numbers to -- to fill a program --

22 MR. DRAKE: Right.

23 MR. NESICH: -- of such size and such area.

24 MR. DRAKE: And -- and it's -- out of the A, B,
25 C and D, my question is how do you know what Albany

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2 County or -- or, you know, any county needs? How do us
3 as bidders know this is what the real need is here
4 unless we say well we'll take them all, which you could
5 do? But with -- with respect to what you said, you may
6 not want to do that. That's what I'm just trying to
7 understand --

8 MR. NESICH: No, well --.

9 MR. DRAKE: -- how you're guaranteed to meet
10 that need.

11 MR. NESICH: Well, generally speaking, we never
12 have all the resources that we require. So there's --
13 certainly, we -- we know that the data shows clearly
14 that we could fill the Albany program with any one of
15 those four groups and not have enough for other people
16 in those four groups, okay? This -- this just barely,
17 barely touches on the real needs that we have.

18 MS. SEWARD: Right. And I think -- if you
19 think there's two groups. There's two -- you have the
20 new releasees, but then you also have parolees that are
21 under current supervision. They go through changes.
22 They have housing concerns midstream of supervision that
23 can also be captured in this -- this R.F.P. So I think
24 that it's an ongoing number. It's not looking at just
25 how many releasees for Albany for this year. It's more

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2 about how many parolees are on supervision in -- let's
3 say Albany -- that may need these services at any given
4 point of supervision. The average -- I think the
5 average length of stay on supervision is what, about a
6 year and a half?

7 MR. NESICH: A year and a half.

8 MS. SEWARD: About a year and a half right now?
9 So you figure -- yeah, give or take.

10 MR. DRAKE: And -- and my --,

11 MR. NESICH: Page five also has a section on
12 demographics.

13 MR. DRAKE: -- my expert here, so we're good.
14 Thank you for that.

15 MR. NESICH: There is a section on demographics
16 on page five which talks about -- you know, just a
17 little --

18 MS. PERROTTY-MCLAUGHLIN: It's statewide.

19 MR. NESICH: -- just -- I'm sorry?

20 MS. PERROTTY-MCLAUGHLIN: Yeah, it's like
21 statewide.

22 MR. NESICH: Yeah. Just, you know, to give you
23 a general sense of the point that I was trying to make,
24 there's over thirty thousand active parolees in New York
25 State. We have under three hundred of these temporary

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2 beds under contract. So it's less than one percent.

3 So -- and the need is far greater than that.

4 MS. SEWARD: And I think you need to
5 understand, as Jeff said, when we sit and -- and put the
6 pieces together for the proposal, we're looking at data
7 and all kinds of stuff in order to determine how do we
8 address catchment areas, what is the -- the -- the needs
9 based upon research, experience with, you know, field
10 staff and reentry staff. So it was a collaborative
11 effort in order to put the catchment areas, the scope of
12 services, and everything together because we can't be
13 everything to all the parolees, but we want to try to
14 make sure we can capture the ones that we can capture
15 within this particular R.F.P.

16 MR. NESICH: Detrell, anything else in your
17 group? Any other questions?

18 MS. HOWELL: Are there any other questions? We
19 do have one other question.

20 MR. NESICH: Yes, please?

21 MR. WERLIN: I actually have several. Am I --
22 am I in a position to ask more than one?

23 MS. HOWELL: No, just one.

24 MR. NESICH: Well, you -- you might be --.

25 MR. WERLIN: Just one?

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2 MR. NESICH: I -- I think if --.

3 MR. WERLIN: My name is Jonathan Werlin. I'm
4 from Palladia.

5 MR. NESICH: Yes?

6 MR. WERLIN: This represents a hundred and
7 seventy beds, thirteen contracts, and about three and a
8 half million dollars, replacing the expiring C.B.R.P.
9 contracts. Can you tell me -- you said just now there
10 are under three hundred beds contracted out. Can you
11 say how many contracts there are and will you release
12 the name of those people -- those agencies --

13 MR. NESICH: The -- the --.

14 MR. WERLIN: -- and how many beds there are
15 currently?

16 MR. NESICH: Information on existing contracts,
17 existing beds, all those things would have to be
18 submitted in a FOIL request and considered by the --
19 the -- the unit in the agency that determines what's
20 releasable and what's not when we're involved in this
21 restricted period. So we could certainly give you that
22 information. Kathy?

23 MS. KILEY: Yeah. This is Kathy Kiley from
24 Counsel's Office. If you want to do a FOIL request, you
25 can certainly do that. And you can send your request to

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2 Patrick -- it's P-A-T-R-I-C-K, Lawlor is L-A-W-L-O-R,
3 and that's at 97 Central Avenue, Albany, New York,
4 12206, and you can direct that to him. However, we are
5 in the restricted period right now. So that being said,
6 you're probably not going to get your -- your -- your
7 request fulfilled under after the contracts are awarded.

8 MR. NESICH: The only information that we
9 provide pursuant to what services and -- and other
10 information that we have is in the R.F.P., and we don't
11 provide anything that -- unless it's provided to
12 everybody. So you could submit the FOIL request, and
13 then they -- they'll follow those appropriate
14 guidelines. You had another question down in --?

15 MS. HOWELL: I'm going to ask you if this
16 gentleman can ask another question.

17 MR. NESICH: Sure, sure.

18 MR. WERLIN: Okay. You mentioned in the R.F.P.
19 that there should be a fulltime administrative director.
20 If this program is co-located with another program, can
21 that program director be allocated, that is, part of the
22 time of the program director of -- of this C.B.R.P.
23 program and part-time on some other program or --

24 MR. NESICH: Well, it doesn't --

25 MR. WERLIN: -- or are you requiring a fulltime

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2 director?

3 MR. NESICH: Well, we -- we -- the R.F.P. says
4 fulltime, so it has to be fulltime.

5 MR. WERLIN: Dedicated specifically to this
6 program or a fulltime employee?

7 MR. NESICH: Well, dedicated to the program.

8 MS. SEWARD: Dedicated to this program.

9 MR. NESICH: Yeah.

10 MS. SEWARD: To this program.

11 MR. NESICH: Dedicated to this program. Before
12 we -- you probably have some other questions. Let me
13 make sure. Upstairs, Ana, do you have any other
14 questions with your group?

15 MS. ENRIGHT: Yes.

16 MR. NESICH: Okay.

17 MS. ENRIGHT: Yes, we do.

18 MR. NESICH: All right. What is that, please?

19 MS. DIAZ: Hi. This is Silva Diaz from
20 Pathways Renewed.

21 MR. NESICH: Uh-huh.

22 MS. DIAZ: The -- this is a follow up to an
23 earlier comment where -- whereby you mentioned that the
24 programs were to be housed in one facility. If we're a
25 community-based program, we're one program, but we have

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2 two residences, would we -- would we be excluded from
3 that then?

4 MR. NESICH: You -- well, the -- the --.

5 MS. DIAZ: The two -- and we're in suburbia,
6 and basically there -- there are very few facilities
7 that can --.

8 MR. NESICH: No, it has to be in one -- it has
9 to be in one physical site. This is not
10 scattered-siting R.F.P. It's a program in one physical
11 location.

12 MS. DIAZ: Right. Can you just reference where
13 it says that in the R.F.P.? Because I was looking under
14 facility in attachment B, and I -- and I only saw the --
15 the -- you know, it doesn't reference that it has to be
16 in one location, but you know, I mean --.

17 MR. NESICH: Well, while we do that, let's take
18 another -- if you guys could look at that, let's take
19 another question, because I don't want to run out of
20 time. So we're researching that now. Rochester,
21 anything? No?

22 MS. WILK: We're set in Rochester.

23 MR. NESICH: Okay. Back to Albany. Any other
24 questions here in Albany? Okay. Back to Detrell. Any
25 other questions down with your group?

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2 MS. HOWELL: We do -- do have another question.

3 MR. NESICH: Okay.

4 MS. HOWELL: You have to identify yourself and
5 your program.

6 MR. SERONEZ: My name is William Seronez
7 (phonetic spelling). I -- I'm representing Tri-Center
8 in Manhattan. I came a little late, so I missed the
9 bulk, but I'm -- I'm not sure if you went over this. If
10 the R.F.P. is awarded to our facility, do we have any
11 type of time in between actually receiving the clients
12 to, you know, put forth whatever we need for -- for the
13 R.F.P.

14 MR. NESICH: The -- the -- the R.F.P. requires
15 that the program be ready to open the doors on May 1,
16 2012, so that's why there's no construction cost
17 provided. That's why there's no startup cost provided.
18 So all you have really is between now and May 1st to get
19 ready to open the doors. And since an award would --
20 you know, this R.F.P. -- the award is going to be
21 probably made sometime in February, we'd assume, that's
22 all -- all the time you would have.

23 MS. PERROTTY-MCLAUGHLIN: But just to clarify,
24 too, not-for-profits --

25 MR. SERONEZ: Between --.

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2 MS. PERROTTY-MCLAUGHLIN: -- are eligible.

3 MR. NESICH: Yeah.

4 MS. PERROTTY-MCLAUGHLIN: Not-for-profits are
5 eligible cash advance as well. So on day one of the
6 program, you could submit a voucher for a two month cash
7 advance to your contract manager that they can submit to
8 the finance office for processing.

9 (Off-the-record discussion)

10 MR. NESICH: Sir, did you have any other
11 questions from Detrell's group in New Rochelle? I'm
12 sorry.

13 MR. WERLIN: Yeah, I did.

14 MR. NESICH: Okay.

15 MR. WERLIN: Will you release the list of
16 attendees when you post this up -- the transcript up for
17 the people who signed in?

18 MR. NESICH: Transcript? The transcript of
19 attendees?

20 MS. FARLEY: It'll be -- the date that we
21 submit the -- we get the transcript on the website?

22 MR. NESICH: Yeah.

23 MS. FARLEY: Is on the 20th.

24 MR. NESICH: It'll be -- so it'll be on there?

25 (Off-the-record discussion)

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2 MR. NESICH: That'll be on there on January
3 20th with the transcript from the hearing.

4 MR. WERLIN: I'm sorry. I have another
5 question. Are you aware -- or are you allowed to speak
6 of additional funding opportunities related to
7 C.B.R.P.-type programs that are coming out?

8 MS. PERROTTY-MCLAUGHLIN: No.

9 MR. WERLIN: No, you aren't? Or no, you're not
10 allowed to talk about them.

11 MR. NESICH: What was the question
12 specifically?

13 MS. PERROTTY-MCLAUGHLIN: Can we speak to other
14 funding opportunities for C.B.R.P.'s?

15 MR. NESICH: No, we -- we -- this is the only
16 R.F.P. that we're going forward with at this time that
17 there is approvals to do so.

18 MR. WERLIN: I -- I also had one more question
19 about indirect cost.

20 MR. NESICH: Yes.

21 MR. WERLIN: You were referring to the indirect
22 cost page in section E.

23 MR. NESICH: Yes.

24 MR. WERLIN: And they way that you filled out
25 in your example the indirect cost rate, you assume that

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2 everybody has a ten percent indirect cost rate. We have
3 many contracts with variable indirect cost rates, so
4 city contracts that are more or -- and federal contracts
5 that are more or less than ten percent. So are we --
6 are you -- are you saying that we should assume that --
7 that other programs all have a ten percent indirect cost
8 rate because our --

9 MR. NESICH: No, this is --.

10 MR. WERLIN: -- actual indirect cost rate for
11 our agency is much higher than that.

12 MR. NESICH: No, this is just there for
13 description purposes. Ten percent, I -- I -- we could
14 have --.

15 MR. WERLIN: Okay. I just wanted to make sure
16 that you're not --.

17 MR. NESICH: We could have had any other number
18 there. Yeah. Basically, this is -- the -- the
19 description here is to show you how -- what the math
20 should look like. So if you're asking for an indirect
21 cost --

22 MR. WERLIN: Also, it just --.

23 MR. NESICH: -- of fourteen percent, for
24 argument's sake, that should be based on a calculation,
25 a methodology.

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2 MS. SEWARD: But then if they have --.

3 MR. WERLIN: So then it's okay to present an
4 overall indirect cost rate of more than ten percent
5 representing the actual agency.

6 MR. NESICH: Whatever your -- whatever your
7 agencies would require for indirect cost, you can submit
8 for consideration any percentage as long as it is
9 justified with -- with the mathematical explanation.
10 And then that will be scored by the committee
11 appropriately in the overall context of what your budget
12 is proposed for.

13 I can tell you in the past we had a program
14 that had a forty-five percent indirect cost rate and
15 they were the low bidder because they just took so much
16 of their operation and they put it in indirect cost.
17 This is not about what the rate is; it's about the
18 purposes here. We're going to score your budget
19 overall. But this is just justifying what you have in
20 your budget for indirect cost, what that number is based
21 on.

22 Any other questions before we go back to New
23 Rochelle upstairs? Okay. Let's go back to New Rochelle
24 upstairs. Your question had to do with where -- where
25 do we state if it has to be one -- one location, one

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2 site. If you look at page five, the top, there's a --
3 there's a paragraph there. We talk about proposals must
4 be submitted for the number of beds indicated, no more,
5 no less, and they must be submitted for each location in
6 a catchment area. And that you can submit more than one
7 proposal for the catchment area, but it must be for
8 different locations if you submit more than one. And
9 then we talk about if we receive two proposals from the
10 same physical location, we will only be able to review
11 one of those. So we're looking --.

12 MS. HOWELL: Jeff, I -- I -- what she's asking
13 is -- and I know that we talk about if someone has two
14 proposals, because they have to be in a separate
15 building. But her question is actually the opposite.
16 Can she have one proposal and then half the beds spread
17 out between two different locations?

18 MS. SEWARD: No.

19 MR. NESICH: No.

20 MS. HOWELL: Two houses.

21 MR. NESICH: No, and we may -- we may -- we may
22 clarify that just for everyone's understanding. But the
23 clarification is going to specifically say that the
24 proposals have to be for the services in one physical
25 location.

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2 Any other questions, Albany? Any other
3 questions, Rochester?

4 MS. WILK: No. They're restless.

5 MR. NESICH: Okay. Any other questions,
6 Detrell, New Rochelle? Any other questions, Detrell?

7 MS. HOWELL: Any other questions? No.

8 MR. NESICH: Okay. Any other questions, Ana?

9 MS. ENRIGHT: Anybody else have any questions
10 here in New Rochelle? No.

11 MR. NESICH: Oh, yes, yes. You could --

12 MS. ENRIGHT: They're not restless. They're
13 just --.

14 MR. NESICH: Okay. You can still submit
15 questions up until the 17th, and they will be answered,
16 and they will be on the website. We've already received
17 some questions which will be answered and on the
18 website. Any clarification that we do coming out of
19 today's meeting, it'll be done within two business days.
20 There may be a clarification making it very clear that
21 it's one physical location. Assume that that's going to
22 be what the R.F.P. requires. And if -- if it's
23 clarified, that will be the only thing, I think, that
24 would be clarified based upon today's bidder's
25 conference.

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2 Barbara will be making available the
3 attachments in Excel on the website as well.
4 Everybody's getting restless, so goodbye, Rochester.
5 They're all gone in Rochester. What are you going to
6 do? Thank you, everyone, in New Rochelle. Thank you
7 everyone for your interest in the R.F.P. We are
8 looking -- goodbye, Rochester. We're looking to
9 partner. Submit your proposals, and thank you very
10 much.

11 (The bidder's conference concluded at 3:30
12 p.m.)
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2 STATE OF NEW YORK

3 I, G. Michael France, do hereby certify that the
4 foregoing was reported by me, in the cause, at the time
5 and place, as stated in the caption hereto, at Page 1
6 hereof; that the foregoing typewritten transcription,
7 consisting of pages 1-92, is a true record of all
8 proceedings had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 20th day of January, 2012.

11 _____
12 G. Michael France, Reporter

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