



**Office of Children  
and Family Services**



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**New York State  
Office of Children and Family Services  
and the  
New York State Education Department**

**Grant Procurement**

**REQUEST FOR PROPOSALS**

**RFP# 2018-12  
Grants Gateway # CFS01-ESAP18-2018**

**Empire State After-School Program**

**Issued: May 14, 2018  
Amended: May 23, 2018**

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## **1.0 GENERAL INFORMATION/CALENDAR OF EVENTS**

The New York State Office of Children and Family Services (OCFS), in consultation with the New York State Education Department invites eligible school districts and not-for-profit community-based organizations to submit proposals for the establishment and/or expansion of quality after-school programs for the Empire State After-School Program (ESAP).

**Note:** Throughout this document, the terms *proposals*, *bids*, *offers*, and *applications* are used interchangeably, as are *applicants*, *bidders*, and *offerers*.

If the offerer discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the offerer shall immediately notify OCFS (See **Section 1.1 Procurement Contact**) of such error in writing and request clarification or modification of the document.

If prior to the deadline for submission of written questions an offerer fails to notify OCFS of a known error in or omission from the RFP, or of any error or omission or prejudice in bid specification or documents with the RFP that the offerer knew or should have known, the offerer agrees that it will assume such risk if awarded funds, and the offerer agrees that it is precluded from seeking further administrative relief or additional compensation under the contract by reason of such error, omission, or prejudice in bid specification or documents.

### **1.1 Procurement Contact**

All inquiries concerning this procurement must be addressed to the director of contracts in the RFP unit or his designee(s) at OCFS, via email (preferred) [RFP@ocfs.ny.gov](mailto:RFP@ocfs.ny.gov) or via hard copy mailed to:

Director of Contracts  
Questions for RFP # 2018-12 Empire State After-School Program  
Office of Children and Family Services  
52 Washington Street  
Room 202S – RFP Unit  
Rensselaer, NY 12144

## 1.2 Calendar of Events

RFP #2018-12 EMPIRE STATE AFTER-SCHOOL PROGRAM	
EVENT	DATE
Issuance of Request for Proposals	May 14, 2018
<b>Deadline for Submission of Written Questions</b>	<b>May 29, 2018 by 5:00 p.m. Eastern Time</b>
Responses to Written Questions Posted in the Grants Gateway System(GGS) on or about	June 12, 2018
<b>Recommended Deadline to Prequalify in GGS</b>	<b>June 12, 2018</b>
<b>Deadline for Submission of Proposals</b>	<b>June 27, 2018 by 3:00 p.m. Eastern Time</b>
<i>Anticipated</i> Notification of Award (not earlier than)	August 1, 2018
<i>Anticipated</i> Contract Start Date (not earlier than)	September 1, 2018

## 1.3 Informational Meeting/Technical Assistance Session

Not applicable.

## 1.4 Submission of Written Questions

All communications to report errors or omissions in the procurement process or to ask questions or to request clarification of this RFP should cite the particular RFP section and paragraph number and must be submitted via email (preferred) [RFP@ocfs.ny.gov](mailto:RFP@ocfs.ny.gov), or via hard copy mailed to the director of contracts no later than the deadline for submission of written questions specified in **Section 1.2 Calendar of Events**. Questions received after the deadline for posting responses to written questions will not be answered. The comprehensive list of questions and responses will be posted in the solicitation announcement in the New York State Grants Gateway System (“GGS” or “Grants Gateway”), on the OCFS Website (<http://ocfs.ny.gov/main/bcm/rfp.asp>), and the Contract Reporter website at (<https://www.nyscr.ny.gov/login.cfm>) on the date specified in **Section 1.2 Calendar of Events**.

To view the comprehensive list of questions and responses that are posted to the Gateway, click the link under the grant opportunity in the Grants Gateway portal. The list will also be posted on the OCFS website and the NYS Contract Reporter.

## 1.5 Deadline for Prequalification in the Grants Gateway

Not-for-Profit applicants are strongly encouraged to prequalify in the Grants Gateway by the date specified in the table in **Section 1.2 Calendar of Events**, and **MUST** prequalify by the date of submission. Please refer to **Section 3:**

## MINIMUM QUALIFICATIONS TO PROPOSE AND PREQUALIFICATION PROCESS.

NOTE: Government entities are not required to prequalify in Grants Gateway, but must register in order to submit an application.

### 1.6 Submission of Proposals

All proposals must be submitted electronically through Grants Gateway. Please refer to **Section 5: PROPOSAL CONTENT AND SUBMISSION** for further information. Prior to submitting a proposal, bidders must pre-qualify in the Grants Gateway System. (See **Section 3: MINIMUM QUALIFICATIONS TO PROPOSE AND PREQUALIFICATION PROCESS** for further information.)

**Forms Required to be submitted into the Pre-Submission Uploads Section of the application (Click the hyperlinks below to access the files):**

- A. [MacBride Fair Employment Principles Certification Form \(OCFS-2633\)](#)
- B. [Non-Collusive Bidding Certification \(OCFS-2634\)](#) (Required by section 139d of State Finance Law.)
- C. For complete proposal and contract requirements for the Minority-and-Women-Owned Business Enterprises (MWBE) and Equal Employment Opportunity (EEO) requirements, refer to Section 7.10. The following are forms to be completed and submitted with your Administrative Proposal and can be found [here](#):
  - *Project Staffing Plan Form (OCFS-4629)*
  - *Minority and Women-Owned Business Enterprises (MWBE) Equal Employment Opportunity (EEO) Policy Statement (OCFS-3460)*
  - *MWBE Utilization Plan Form (OCFS-4631)*
- D. For complete proposal and contract requirements for the New York State Service-Disabled Veteran-Owned Business (SDVOB) Act, please refer to section 7.11 and complete the following attachment: [Attachment-Use of Service-Disabled Veteran-Owned Business Enterprises in Contract Performance](#)

### 1.7 OCFS Reserved Rights

OCFS reserves the right to

1. place a monetary cap on the funding amount made in each contract award;

2. change any of the schedule dates stated in this RFP prior to the due date for the submission of proposals;
3. reject any or all proposals received in response to the RFP;
4. withdraw the RFP at any time at the agency's sole discretion;
5. make an award under the RFP in whole or in part;
6. disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFP;
7. reject any proposal if, in the sole discretion of OCFS, it determines the bidder is not a responsible vendor;
8. seek clarification and revisions of proposals. Request bidders to present supplemental information clarifying their proposals either in writing or by formal presentation. Other than the requested clarification and supplemental information, submission of new information is not permitted;
9. require that bidders demonstrate, to the satisfaction of OCFS, any feature(s) present as a part of their proposal, which may include an oral presentation of their proposal. Any such demonstration or presentation may be considered in the evaluation of the proposal;
10. amend any part of this RFP prior to opening of bids, with notification to all bidders, and direct all bidders to prepare modifications addressing RFP amendments, if necessary. Expenses incurred in the preparation of any proposals or modifications submitted in response to this RFP are the sole responsibility of the bidder or other party and will not be incurred or reimbursed by OCFS;
11. make funding decisions that maximize compliance with and address the outcomes identified in this RFP;
12. fund only one portion, or selected activities, of the selected bidder's proposal and/or adopt all or part of the selected bidder's proposal based on federal and state requirements;
13. eliminate any RFP requirements that cannot be met by all prospective bidders upon notice to all parties that submitted proposals;
14. waive procedural technicalities or modify minor irregularities in proposals received after notification to the bidder involved;
15. correct any arithmetic errors in any proposal or make typographical corrections to proposals with the concurrence of the bidder;
16. negotiate with the selected bidder(s) prior to contract award;

17. conduct contract negotiations or award a contract to the next highest bidder if contract negotiations with the selected bidder(s) cannot be accomplished within an acceptable time frame. No bidder will have any rights against OCFS arising from such actions;
18. award contracts to more than one bidder or to other than the lowest bidder.
19. Require that all proposals be held valid for a minimum of 180 days from the closing date for receipt of proposals, unless otherwise expressly provided for in writing;
20. fund any or all of the proposals received in response to this RFP. However, issuance of this RFP does not commit OCFS to fund any proposals. OCFS can reject any proposals submitted and reserves the right to withdraw or postpone this RFP without notice and without liability to any bidder or other party for expenses incurred in the preparation of any proposals submitted in response to this RFP and may exercise these rights at any time;
21. use the proposal submitted in response to this RFP as part of an approved contract. At the time of contract development, awardees may be requested to provide additional budget and program information for the final contract;
22. utilize any and all ideas submitted in the proposals received where an award is ultimately made;
23. require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offerer's proposal and/or to determine an offerer's compliance with the requirements of the solicitation;
24. make additional awards based on the remaining proposals submitted in response to this RFP and/or provide additional funding to awardees if such funds become available;
25. make inquiries of third parties, including but not limited to, bidder's references, with regard to the applicants' experience or other matters deemed relevant to the proposal by OCFS. By submitting a proposal in response to this RFP, the applicant gives its consent to any inquiry made by OCFS;
26. require contractors to participate in a formal evaluation of the program to be developed by OCFS. Contractors may be required to collect data for these purposes. The evaluation design will maintain confidentiality of participants and recognize practical constraints of collecting this kind of information;



27. consider statewide distribution and regional distribution within New York City, including borough distribution methodology, in evaluating proposals;
28. rescind awards for failure of awardees to meet timeframes that OCFS is required by statute to meet for contract development and approval;
29. cancel this RFP, in whole or in part, at any time and to reject any and all proposals when appropriate in the best interests of the State;
30. make adjustments to the funding amount requested based on program need and based on the total dollar value of the applications submitted; and
31. prior to the deadline for submission of proposals, any such clarifications or modifications as deemed necessary by OCFS will be posted in Grants Gateway, the NYS Contract Reporter, and the OCFS Website. Potential offerers that were sent the original bid notice via email will receive an email from the RFP Unit regarding the clarifications or modifications. All other individuals will have to check the NYS Contract Reporter, or the OCFS website for any changes, and check the posted Q and As.

## **2.0 EXECUTIVE OVERVIEW**

### **2.1 Introduction/Description of Program Objectives and Background**

The New York State Office of Children and Family Services (OCFS), in consultation with the New York State Education Department, invites eligible applicants to submit proposals for the establishment and/or expansion of quality after-school programs for the Empire State After-School Program (ESAP). For the purpose of this RFP, separate applications must be submitted for each community school district or not-for-profit community-based organization serving a community school district within New York City. However, New York City will be considered one school district for the purposes of the 40 percent RFP funding limit discussed in more detail in Sections 2.3 and 6.2. Eligible applicants include not-for-profit community-based organizations located in an eligible school district or eligible school districts that meet one of the criteria listed below:

- are located in school districts eligible to participate in the 2017 Empire State After-School Request for Proposals pursuant to chapter 53 of the laws of 2017, or
- are located in school districts with high rates of student homelessness (identified as school districts with at least 200 students experiencing homelessness or a school district with at least 10% of its student population experiencing homelessness as identified by the State Education Department), or
- are located in school districts in at-risk areas in Nassau county or Suffolk County identified by the Office of Children and Family Services, the Division of Criminal Justice Services, the Division of the State Police, County Executive, or local law enforcement, or located in high-need school districts in Nassau county or Suffolk county.

A listing of all school districts eligible to apply for this RFP is included in Attachment 1.

A community-based organization is a not-for-profit organization that works at a local level to improve life for residents. This focus is to build equality across society in all streams – health care, environment, quality of education, access to technology, access to spaces and information for the disabled, and more.

The ESAP grants shall be awarded based on factors including, but not limited to, the following:

- 1) measures of the school district need
- 2) measures of the need of students to be served
- 3) the applicant's proposal to target the highest-need schools and students
- 4) proposal quality and,
- 5) the applicant's program design to meet the specific needs of students, including homeless students or students displaced by natural disasters.

The ESAP seeks the submission of proposals for the establishment and/or expansion of quality after-school programs located in eligible school districts,

which offer a broad range of educational, recreational, cultural, and age-appropriate activities in a safe environment. The proposal must integrate what happens in the school day with less formal learning experiences, and must encourage the active participation of children, youth, and families in the design and delivery of program activities.

The following objectives are to be met through the ESAP:

1. provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet the challenging State academic standards;
2. offer students a broad array of additional services, programs, and activities, such as youth development activities, service learning, nutrition and health education, drug and violence prevention programs, counseling programs, arts, music, physical fitness and wellness programs, technology education programs, financial literacy programs, environmental literacy programs, mathematics, science, career and technical programs, internship or apprenticeship programs, and other ties to an in-demand industry sector or occupation for high school students that are designed to reinforce and complement the regular academic program of participating students; and
3. offer students' families opportunities for active and meaningful engagement in their children's education, including opportunities for literacy and related educational development of the child.

## **2.2 OCFS Statewide Considerations**

OCFS's mission is to serve New York's public by promoting the safety, permanency and well-being of our children, families and communities. OCFS effectuates results by setting and enforcing policies and building partnerships at the federal, state, county and community levels that impact practice. OCFS funding investments assist communities to create and/or enhance the provision of quality services in the areas of child care, child welfare, juvenile justice, adult protective services, and services for the legally blind and visually impaired.

## **2.3 Purpose and Funding Availability**

The New York State Fiscal Year 2018-19 State Budget appropriates \$10 million to establish and/or expand Empire State After-School Programs. ESAP grant funds shall only be used to supplement, and not supplant, current local expenditures of federal, state or local funds on after-school programs and the number of students served in such programs from such sources.

Of the \$10 million available for this RFP, \$2 million will initially be made available to qualifying applicants with programs located in school districts in high-need or at-risk school districts in Nassau or Suffolk counties (as identified in Attachment 1). Funds to these applicants will be awarded based on proposal scores, beginning with the highest scored proposal and contingent on the

funding amount requested and available funds. Applicants funded under this \$2 million will be required to provide an assurance that the applicants will partner with State and local law enforcement in gang prevention and education initiatives. Should a portion of the \$2 million remain after awards are made to qualifying applicants in Nassau and Suffolk counties meeting the at-risk or high-need criteria, such funds will be awarded beginning with the highest scoring application that proposes to serve a school district as listed in Attachment 1.

An applicant's ESAP grant shall equal the product of:

- 1) The approved number of children served in such programs; and
- 2) \$1,600.

For example, an applicant proposing to serve 100 children would receive a grant award of \$160,000 (\$1,600 x 100 children served). For the purpose of this RFP, separate applications must be submitted for each community school district or not-for-profit community-based organization serving a community school district within New York City. However, New York City will be considered one school district for the purposes of the 40 percent RFP funding limit discussed in more detail below and in Section 6.2.

No applicant shall receive reimbursement in excess of the total actual grant expenditures incurred by the applicant in the current school year as approved by OCFS. Expenditures submitted for payment may not exceed the grant award.

Awards made in response to this RFP will be limited to one per eligible school district. An awardee that is a not-for-profit community-based organization must operate the program within the eligible school district for which it received the award. An awardee that is a not-for-profit community-based organization will be limited to no more than one award.

As a condition of eligibility for receipt of such funding, an applicant shall agree to adopt approved quality indicators, as specified in Section 4.1 Required Program Outcomes and Performance Targets including, but not limited to: valid and reliable measures of environmental quality; the quality of staff-student interactions; and student outcomes.

Initial awards shall not exceed \$800,000 per applicant annually. However, applicants may apply for up to 40 percent (\$4 million) of the total RFP funding amount. If funding is available after awards to all applicants receiving a passing score, the available funds will be distributed based on the amount requested by the highest-scoring applicants. In this event, funds will be awarded by funding the applicant with the highest-scoring application and continuing down the list of passing applications until all funds are awarded. No applicant shall receive more than 40 percent of the total ESAP RFP funding (\$4 million). New York City will be considered one school district for the purposes of the 40 percent RFP funding limit. Community school districts, or not-for-profit community-based organizations serving community school districts in all five

boroughs of New York City are eligible, in total, for up to 40 percent of the RFP funding (\$4 million).

The following information applies to the funding opportunity:

State reimbursement will not be available until the selected applicants and OCFS enter into a contract, which is approved by the New York State Office of the Attorney General, and the New York State Office of the State Comptroller. Costs will be paid only for expenditures incurred after the contract start date. Upon approval of the contract, an advance of up to 25 percent for the first year of the contract may be available to any selected not-for-profit community-based organizations.

OCFS will provide the applicants selected to implement the services with copies of all applicable statutes and regulations, required notices to parents and providers, and any other required agency forms and notices. ALL proposed forms and required documents must be reviewed and approved by OCFS prior to their use by the selected applicants.

As noted in **Section 1.7 OCFS Reserved Rights** above, OCFS reserves the right to place a monetary cap on the funding amount made in each contract award.

## **2.4 Term of Contract**

The contract(s) awarded in response to this RFP will be for four years. The anticipated start date is no sooner than 9/1/2018 and the anticipated end date is 8/31/2022. Funding is currently anticipated to be available for the first year of the contract. The award of a multi-year contract does not guarantee that funding will be available for subsequent years. Contractors should not begin to provide services prior to the contract start date; OCFS has no obligation to pay for services rendered prior to that time.

## **3.0 MINIMUM QUALIFICATIONS TO PROPOSE AND PREQUALIFICATION PROCESS**

### **3.1 Minimum Qualifications (AMENDED 5/23/2018)**

Eligible applicants must be:

- ~~An incorporated~~ not-for-profit community-based organization proposing to serve an eligible school district (listed on Attachment 1);

Or

- An eligible school district listed in Attachment 1;

Additionally, applicants must be:

- Prequalified, if not exempt, in the NYS Grants Gateway by the application deadline; and,
  - Have a governing board (board of directors or school board) that includes a minimum of three (3) members.
- Applicants must submit the following:
    - If an applicant is a not-for-profit community-based organization, a signed partnership agreement from the eligible school district is required,
    - or
    - If an applicant is the eligible school district and will be partnering with any not-for-profit community-based organizations, a letter identifying the organizations the district will partner with is required.
    - A letter identifying the individual school(s) in the district that the after-school program(s) will be serving. In addition, applicants must provide the total number of students that will be served in the district with the requested grant funds.
    - If the applicant is a not-for-profit organization serving children under the age of 13, a School Age Child Care (SACC) Registration is required or will be obtained prior to contract execution;
    - or
    - If the applicant is a school district, the applicant agrees to comply with the requirements outlined in OCFS Regulations at 18 NYCRR Part 414.
    - Minutes and attendance records from the last three board meetings.

The required submissions must be uploaded as an attachment in the Grants Gateway in the “**Program Specific Questions**” section of the Grants Gateway System as part of your response to applicable questions.

### **3.2 Prequalification Process**

New York State has instituted key reform initiatives to the grant contract process that require not-for-profit organizations to register in the New York State Grants Gateway System (GGS) and complete the Vendor Prequalification process in order for proposals to be evaluated. Not-for-profit organizations will only have to prequalify once every three years, with the responsibility to keep their information current throughout the three-year period.

**Proposals received from not-for-profit applicants that are not prequalified in the Grants Gateway on the proposal due date and time**

**listed in Section 1.2 Calendar of Events will be disqualified from further consideration.**

NOTE: Government entities are not required to prequalify in Grants Gateway, but must register in order to submit an application.

Below is a summary of the steps that must be completed to meet registration and prequalification requirements. [The Vendor Prequalification Manual](#) on the [Grants Reform website](#) details the requirements and an [online tutorial](#) is available to walk users through the process.

### **3.2.1 Register for the Grants Gateway**

- On the Grants Reform website, download a copy of [the Registration Form for Administrator](#). A signed, notarized original form must be sent to the New York State Grants Reform Team at the address provided in the instructions. You will be provided with a username and password allowing you to access the Grants Gateway.
- If you have previously registered and do not know your username, email [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov). If you do not know your password, click the [Forgot Password](#) link from the main log in page and follow the prompts.

### **3.2.2 Complete Your Prequalification Application**

- Log into the [Grants Gateway](#). If this is your first time logging in, you will be prompted to change your password at the bottom of the “Profile” page. Enter a new password and click “SAVE.”
- Click the “Organization(s)” link at the top of the page and complete the required fields including selecting the state agency with which you have the most grant contracts. If you currently do not have any contracts with NYS, select OCFS. This page should be completed in its entirety before you click “SAVE”. A “Document Vault” link will become available near the top of the page. Click this link to access the main “Document Vault” page.
- Answer the questions in the “Required Forms” and upload “Required Documents.” This constitutes your “Prequalification Application”. “Optional Documents” are not required unless specified in this Request for Proposal.
- Specific questions about the prequalification process should be directed to the agency contact listed in **Section 1.1 Procurement Contact**, or to the Grants Reform Team at [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov).

### **3.2.3 Submit Your Prequalification Application**

- After completing your “Prequalification Application,” click the “Submit Document Vault” link located below the “Required Documents” section to submit your “Prequalification Application” for state agency review. Once submitted, the status of the document vault will change to “In Review.”
- If your prequalification reviewer has questions or requests changes, you will receive email notification from the GGS.
- Once your “Prequalification Application” has been approved, you will receive a GGS notification that you are now prequalified to do business with New York State.

**Vendors are strongly encouraged to begin this process as soon as possible and at the latest by the date specified in Section 1.2 Calendar of Events, in order to participate in this opportunity.**

### **3.3 Vendor Responsibility Requirements**

Section 163(9)(f) of the NY State Finance Law requires that a state agency make a determination that a bidder is responsible prior to awarding that bidder a state contract. Vendor responsibility will be determined based on the information provided by the bidder, on-line, through the New York State VendRep System Questionnaire or through a paper copy of the Vendor Responsibility Questionnaire. OCFS will review the information provided before making an award.

OCFS reserves the right to reject any proposal if, in its sole discretion, it determines the bidder is not a responsible vendor. All proposals are subject to a vendor responsibility determination before the award is made, and such determination can be revisited at any point up to the final approval of the contract by the New York State Office of the State Comptroller (OSC). Vendors must maintain their vendor responsibility throughout the duration of the contract.

Enrolling and completing the questionnaire online through the New York State VendRep System is the best method because both the questionnaire and answers are stored in the system. Thus, subsequent questionnaires in response to contracts or Request for Proposals from any state agency would only need to be updated in the VendRep System.

To access or enroll in the VendRep System or update your existing online questionnaire, click [On-line Questionnaire](#). Questionnaires in the VendRep System that have been completed in the last six months in response to contracts or bid announcements do not need to be updated. If the vendor is using the hardcopy notarized questionnaire, then it also has to be current within six months of the due date of the proposal.

Vendors opting to complete a paper questionnaire, can access the questionnaire by clicking the following link: [Paper Questionnaire](#). Please note



that there are separate questionnaires depending on the contractor status. Not-for-profit vendors must use the Vendor Responsibility Questionnaire Not-For-Profit Business Entity form. For-profit vendors must use the Vendor Responsibility Questionnaire For Profit Business Entity form.

Vendors are also encouraged to have subcontractors file the required Vendor Responsibility Questionnaire online through the New York State VendRep System. These subcontractors are required to submit a questionnaire when the value of the subcontract is \$100,000 or more.

Prior to executing a subcontract agreement, the contractor must provide the information required by OCFS to determine whether a proposed subcontractor is a responsible vendor.

Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor Identification Number or for direct VendRep System user assistance, the OSC Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email at [ciohelpdesk@osc.state.ny.us](mailto:ciohelpdesk@osc.state.ny.us).

The New York State VendRep System offers the following benefits:

- Ease of completion, filing, access to and submission of the questionnaire. Efficiencies are multiplied for vendors who bid and contract with the state frequently or with multiple state agencies.
- Questionnaire updates are easily filed by updating only those responses that require change from the previously saved questionnaire (as opposed to a paper copy where a new questionnaire is required each time there is a change).
- The stored questionnaire information eliminates the need to re-enter data for each subsequent questionnaire submission.
- Reduction of costs associated with paper documents including copying, delivery and filing.
- Online questionnaire information is secure and accessible to authorized vendor users only. State agencies can only view certified and finalized questionnaires.
- VendRep question prompts ensure that the correct forms are completed.
- The VendRep On-Line System contains links to all definitions of the terms used in the questionnaire.

Note: The Vendor Responsibility Questionnaire must be dated within six months of the proposal due date. Any subcontractors under that proposed contract must also complete a Vendor Responsibility Questionnaire when the value of the subcontract is projected to be \$100,000 or more for the contract term.

Confirmation of **completion** of the vendor responsibility process must be submitted with your proposal. This confirmation can take the form of registration in the VendRep system, or by submitting your completed hardcopy questionnaire. To submit this confirmation with your application, go to the bottom of your certified questionnaire, and click the button called "Form

Overview.” Print this page and upload it to the proposal. Upload the page into your proposal by going to the Pre-Submission Uploads section of the RFP in the GGS. While it is not recommended, you have the option of uploading a completed hardcopy Vendor Responsibility Questionnaire to the Pre-Submission Uploads section.

## **4.0 PROGRAM REQUIREMENTS**

### **4.1 Desired Outcomes and Program Requirements**

All applications must follow the attached guidelines.

Only school districts or not-for-profit community-based organizations proposing to serve the school districts listed in Attachment 1 are eligible for the funding announced in this RFP. Programs operated in school buildings are preferred; however, other sites will be considered with appropriate justification.

The after-school program(s) must be in operation a minimum of three hours a day beginning directly after the school day ends. Programs must operate a minimum of fifteen hours per week. The(se) program(s) will enroll a group of children or youth who will attend the program daily, after school, during the school year. The Program(s) may include extended hours into the evening, particularly when serving older adolescents, and on weekdays during the regular school year when classes are not in session. Program(s) may be extended but not supplanted to include either full-day or part-day programs on the weekends or during the summer. Programs beginning prior to the beginning of the school day are not eligible for funding.

#### Required Program Outcomes and Performance Targets

1. Improve social, emotional, academic and vocational competencies of school-age children and youth (the NYS Education Department has guidance on Social Emotional Learning (SEL) available at this link: <http://www.p12.nysed.gov/sss/sel>);
2. Reduce negative youth behaviors such as bullying, violence and crime; disengagement from school; school suspension and truancy; tobacco, alcohol and substance abuse and other health-compromising behaviors; and
3. Provide parents with a safe, after-school environment for their children and youth.

In addition to the required Program Outcomes stated above, there are three required Performance Targets designed to positively impact the Program Outcomes that must be developed for each program. Performance targets are the measurable improvements in the condition or behavior of the target population that the program intends to achieve by the end of the contract period. Targets are quantifiable and verifiable indicators of program performance. Performance targets can be either an increase in positive behavior or condition or a reduction in a negative or destructive behavior or condition. A program's success is measured by how well it achieves its performance targets.

The three required performance targets are:

1. **Child Performance:** Describe, in measurable terms, how students that regularly attend the after-school program will enhance their academic achievement.
2. **Child Involvement:** Describe, in measurable terms, the consistency of

attendance of enrollees at the after-school program, taking into account the need for flexibility in children's attendance due to the irregular schedules of parents and that, as children age, they may be involved in more extracurricular school activities and part-time employment.

3. **Parental/Guardian Involvement:** Describe in measurable terms the level of parent involvement and parent satisfaction, both of which have been demonstrated to correlate to the quality of the after-school program.

Finally, as a condition of eligibility for receipt of funding, the applicant must agree to adopt approved quality indicators, including, but not limited to:

1. Valid and reliable measures of environmental quality;
2. The quality of staff-student interactions; and
3. Student outcomes.

Applicants must propose and adopt these indicators and address these three categories in their proposal. Additional indicator categories deemed appropriate by the applicant should be included in their proposal. All indicators proposed in a funded applicant's narrative are subject to pre-approval by OCFS.

### **School Age Child Care (SACC) Requirements:**

In order to receive ESAP funds for program operation:

- Not-for-profit community-based organizations programs that serve children under the age of 13 must obtain a School Age Child Care (SACC) Registration.
- School districts must comply with requirements outlined in OCFS Regulations at 18 NYCRR Part 414, even if the school is directly operating the program. A link to those regulations is available here:

[https://ocfs.ny.gov/main/childcare/daycare\\_regulations.asp](https://ocfs.ny.gov/main/childcare/daycare_regulations.asp)

## **4.2 Accessibility of Web-Based Information and Applications**

Any web-based Intranet and Internet information and applications development or programming delivered pursuant to this procurement must comply with New York State Enterprise IT Policy NYS-P08-005, *Accessibility Web-Based Information and Applications*, and New York State Enterprise IT Standard NYS-S08-005, *Accessibility of Web-Based Information Applications*, as such policy or standard may be amended, modified or superseded, which requires that state agency web-based Intranet and Internet information and applications are accessible to persons with disabilities. Web content must conform to New York State Enterprise IT Standards NYS-S08-005 as determined by quality assurance testing. OCFS will conduct such quality assurance testing and the test results must be satisfactory to OCFS before web content will be considered a qualified deliverable under the contract or procurement.

## **5.0 PROPOSAL CONTENT AND SUBMISSION**

### **4.2 Technical Proposal Content/Work Plan**

**NOTE:** This section describes the content requirements of the Work Plan and how to prepare your Work Plan to assist you with your application. Please refer to **Section 5.5 Proposal Submittal Process**

The purpose of the Work Plan is to provide a clear description of what requested project funds will pay for, the expected outcomes for the proposed project services and the programmatic rationale for the proposed project budget. The Work Plan must be responsive to the desired outcomes identified in **Section 4.1 Desired Outcomes and Program Requirements** of the RFP and provide value to the OCFS mission. OCFS expects that all project services funded by this initiative will be designed to be culturally and linguistically competent and cost efficient. Appropriate planning and development activities must be conducted by applicants to promote responsiveness to the target population of this RFP. Services provided must accommodate cultural and linguistic requirements of the target population and/or community to be served.

Prior to entering their responses to the application in the GGS, applicants should create a word document from the Work Plan Template available in the **“Pre-Submission Uploads”** section of the Grants Gateway System and use it in preparing proposed responses to questions on the Work Plan (**See Section 5.4 Proposal Content.**) To use the Work Plan template:

1. Download the Work Plan template from the **“Pre-Submissions Uploads”** section in your grant application;
2. Complete the Word document, and save it to refer to later when responding to questions as part of your proposal submission in the grants gateway system. This document **will not** be submitted into the GSS with your application;
3. Save the Work Plan for future reference, because if the applicant is awarded a contract, this document will be the basis for the Work Plan in the subsequent contract for services.

The Work Plan consists of the following sections:

- A. Program Development Plan
- B. Organization
- C. Responsiveness to Target population
- D. Meeting OCFS Standards

Your proposal will be rated based on your organization’s responses to the sections listed below. Please be sure to address all of the questions in each section comprehensively, yet succinctly. The number of points allocated to each area in the technical review appear in (parentheses) after each section below.

### **Guidelines for Each Section**

## **A. Program Development Plan**

The proposal must clearly and comprehensively describe how the program will serve the target population(s). The Program Plan must also demonstrate how the program will be implemented in the identified school district with the highest need. At a minimum, the Program Plan should describe:

- The program's range of age-appropriate activities and the grades they are proposed for;
- The target population the program will serve, including the grade levels, with an emphasis on homeless and displaced students, disconnected youth and youth with special needs;
- What methods and information sources will be used to establish baseline data and verify the performance targets and program outcomes will be met;
- Strategies to be used to promote and measure youth and family involvement;
- Activities used to reduce bullying and promote positive social development, justification of alternate location other than on school grounds, if applicable;
- How the program will meet the minimum operational hours required;

## **B. Organization**

The Applicant should describe the history of the school district, including demographic data on the community's racial and ethnic composition, as well as the homeless/displaced student, disconnected youth and special needs population. If the applicant is a not-for-profit community-based organization, the applicant should describe the history of the organization and provide evidence that the applicant has the capacity to serve the target population(s). Describe how the applicant will support the Program Standards of Excellence (see Attachment 2). The proposal should discuss how the applicant's staffing pattern is representative of the community it plans to serve. Finally, the application should discuss the linkages between regular school staff and after-school staff.

## **C. Responsiveness to Target Population**

The applicant should describe how programs will be implemented in the highest need schools in the eligible school district proposed to be served, taking into account school districts with the highest rates of student homelessness, displaced students, disconnected youth and youth with special needs., and the measures used to determine those schools. The proposal should explain how the applicant will meet the objectives of the ESAP program. Objectives should:

- Address at least one significant identified need of the target population(s);

- Identify the expected results (changes in the condition, status or behavior of the target population) as opposed to the activities designed to produce those results;
- Identify results that will significantly contribute to the achievement of the desired objectives;
- Be clearly defined, have tasks and be measurable;
- Be achievable with the resources available to the program; and
- Identify appropriate and realistic methods to verify task attainment.

#### **D. Meeting OCFS Requirements**

Not-for-profit community-based organizations that serve children under the age of 13 must have, or obtain a School Age Child Care (SACC) Registration.

School districts must comply with requirements outlined in OCFS Regulations at 18 NYCRR Part 414.

Proposals shall describe how the program will meet the OCFS school-age standards for a quality school-age program.

Applicants funded under the \$2 million initially being made available for programs located in Nassau or Suffolk counties will be required to provide an assurance that the applicants will partner with State and local law enforcement in gang prevention and education initiatives.

#### **5.2 Proposed Budget**

In order to complete the Budget in the GGS, you must do the following:

1. Download the budget template from the “**Pre-Submission Uploads**” section in your grant application;
2. Complete that document and upload (attach) your completed form to the “**Pre-Submission Uploads**” section of your grant application.

Follow these instructions carefully as you complete the budget. Use the following directions to briefly describe the expenses included in each budget category. The detail requested is essential to expedite the contract process. Accuracy and completeness are critical.

Applicants should complete this budget to reflect the total amount of funds that they are requesting. Funding requests are calculated by multiplying \$1,600 by the number of students they are proposing to serve. For example, if a not-for-profit community-based organization is proposing to serve 500 students in an eligible school district, the total budget submitted will total \$800,000 (500 x \$1,600).

Ensure that:

- The budget line shows the calculations for determining the total cost of each item. A description for every budget line item and how it relates to the program must be provided in the narrative.
- All items covered by OCFS funds are directly related to the provision of services indicated in the proposal.
- All expenses are incurred *within* the contract period.
- All shared costs are prorated and the basis of the proration explained.
- Reimbursement for travel, lodging and mileage costs do not exceed the State rates currently in effect.
- All amounts listed on the budget summary form reconcile with the relevant budget narrative information.
- The total Grant Funds agrees with the amount requested on the Contract Face Page.

### Non-Allowable Costs

The following items *cannot be included* as OCFS funded costs within the project budget:

- Major capital expenditures such as acquisition, construction or structural renovation of facilities.
- Interest costs, including costs incurred to borrow funds.
- Costs for preparation of continuation agreements and other proposal development costs.
- Costs of organized fundraising.
- Legal fees to represent agency/staff.
- Advertising costs, except for recruitment of project personnel, program outreach and recruitment of participants.
- Entertainment costs, including social activities for program and staff, unless directly associated with the project.
- Costs for dues, attendance at conferences or meetings of professional organizations, unless attendance is necessary in connection with the project.

## **A. Personal Services**

### **1. Personal Services - Personnel**

#### Personal Services (Salaries):

- List only staff positions included in the funded project.
- List the percentage of time each staff member will spend on this project.
- The percentage of time an employee is engaged in this project (or projects) cannot exceed 100 percent.
- List the base (annual) salary for each staff position. The base salary should reflect the employee's actual annual salary. If the base salary of each employee in a particular title is the same, it is acceptable to enter the base salary and multiply by the number of staff in that title. The annual salary should be consistent across all projects that the employee's time is charged to.



- If a position has both administrative and programmatic responsibilities, show the position on two lines, one for programmatic responsibilities with associated percentage of time and one for administrative responsibilities with associated percentage of time. Identify administrative positions in the “Personal Narrative.” The percentage of time for the position cannot exceed 100 percent.
- If the proposed project is currently operational, provide information on the percentage of salary increases, if any, included in the requested budget. Justification for raises must be provided. If you anticipate cost of living or merit raises during the contract year, include the increases in the base annual salary charged to the project and note the effective date of the raise.

Personal Services Salary Narrative: Give a brief description of the administrative or program related responsibilities of each staff position supported by the grant funds. If a staff position is listed on the staffing plan as providing direct program supervision to youth, indicate “direct program supervision”.

## 2. Personal Services – Fringe Benefits

Fringe benefits should be budgeted in line with your organization’s policy. The total fringe benefits chargeable to this contract should not exceed the current approved fringe rate, which can be found on the NYS Office of the State Comptroller’s website at [Fringe Benefits](#). A higher rate may be considered with justification; any such justification must be included with your application.

Fringe Benefits Narrative:

- List the fringe benefit rate(s) and the positions to which the rate(s) apply.
- Provide a complete list of benefits used to calculate rate(s) (e.g., Social Security-FICA, NYS Unemployment Insurance-SUI; NYS Disability Insurance and Worker’s Compensation). These can be listed on the extra lines under “Personal Services.” Be sure to clearly identify “Fringe.”

## Non-Personal Services (NPS)

### Use of MWBEs for Discretionary Purchases

Contractors are required to spend thirty percent of their discretionary budget through a NYS certified Minority or Women-Owned Business Enterprise (MWBE) in compliance with Article 15-A of the NYS Executive Law. As your organization develops its NPS budget for this contract, you must identify the discretionary purchases that are subject to the MWBE goal (See **Section 7.10** for more information.) The following NPS budget categories are subject to the MWBE goal:

NPS Budget Category	MWBE Goal
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1. Contractual/Consultant	Discretionary expenses in this category subject to MWBE goal
2. Travel	Non-discretionary - exempt
3. Equipment	Discretionary expenses in this category subject to MWBE goal
4. Supplies	Discretionary expenses in this category subject to MWBE goal
5. Other Expenses	
a. Space/Property (Own)	Non-discretionary - exempt
b. Utilities	Non-discretionary - exempt
c. Operating Expenses	Discretionary expenses in this category subject to MWBE goal
d. Printing Services	Discretionary expenses in this category subject to MWBE goal
e. Other Expenses/Miscellaneous	Discretionary expenses in this category subject to MWBE goal
f. Other Expenses/Miscellaneous – Administrative Expense	Non-discretionary - exempt

Use the DISCRETIONARY BUDGET NARRATIVE WORKSHEET of Attachment B – BUDGET SUMMARY to specify the portion of your NPS budget subject to the MWBE spending goal.

- Provide an explanation for all items excluded from the MWBE spending goal.
- Calculate the amount of the MWBE participation goal to be met based on this total discretionary NPS;

### NPS Budget Categories

All budget items must be for commodities to be purchased during the contract period that in direct support of services related to the project; or for contractual/consultant services to be rendered during the contract period that directly support the project.

#### **1. Contractual/Consultant Services**

This category includes costs for institutions, individuals or organizations external to the agency.

- Specify the services to be provided and indicate how the cost was determined.
- Delineate between administrative and program cost.
- If an award is made, the contractor must get prior written approval from OCFS for any agreement, or series of agreements, with a single subcontractor that exceeds \$50,000 or 50 percent of the total contract value during the contract term. The contractor must receive such approval prior to executing the subcontract agreement, implementing any activity under its term or expending contract funds under its term. Prior approval is also required for any cost or term amendment to approved subcontracts or as otherwise requested by OCFS. All subcontract agreements, regardless of

dollar value, must be submitted to OCFS prior to claim for services being submitted.

- For office or other program space rental or lease include copy of rental or lease agreement and method of cost allocation of space.
- For equipment rentals:
  - Clearly describe item(s).
  - Include model # and specifications if possible.
  - Indicate term and rate of rental.
  - Provide a justification for the rental of all equipment by giving a brief description of the program related need supported by grant funds.
- Vehicle lease for participant travel, when such travel has been approved by OCFS, must be programmatically justified. A copy of the lease agreement must be provided to OCFS prior to claim payment. Also, the OCFS share of travel expense must be based upon state guidelines; payment cannot exceed the state rates currently in effect.
  - Explain the purpose of the travel.
  - Number of participants.
  - Estimated miles.
  - Frequency of travel (e.g., per day, per week).
  - Be as clear as possible in explanation of need and cost.
  - Show the percentage of time the vehicle will be used by the project and only include requested funds for this percentage.
- If a subcontractor or consultant expense is more than \$15,000, three written bids are required. If you are unable to obtain three written bids, a justification as to price reasonableness is required. If other than the lowest bidder was selected, please provide justification.
- If the consultant/contractor is reimbursed at an hourly rate, the hourly rate and the number of hours must be calculated accurately and be included in the budget narrative.
- Indicate whether consultant's rate includes travel and lodging.

## **2. Travel**

- Travel costs include the following: air, train, bus and taxi fare; personal auto, parking fees, tolls, lodging and meals. Conference fees or outside training costs for staff to attend that are integral and essential part of this particular program and necessary in connection with the project to be funded.
- Explain which staff will be traveling and the destination, purpose, and frequency of travel.
- For local/day travel and extended travel, list the following for each trip: destination, length of stay, purpose, number of travelers, mode of transportation and its cost, meals and lodging costs.
- Includes staff travel only.
  - Consultant travel should be shown under the "Contractual/Consultant Services" category.
  - Client travel should be shown under the "Other Expenses" category.
- Reimbursement for travel, lodging, and mileage costs will not exceed the state rates then in effect.

**NOTE:** The OCFS share of travel expense must be based upon state guidelines; payment cannot exceed the state rates currently in effect. Refer to <http://www.osc.state.ny.us/agencies/travel/travel.htm>

- All out of state travel must be pre-approved by OCFS.

### 3. Equipment

This section is used to itemize the purchase of equipment.

- Equipment is defined as tangible personal property having an acquisition value of \$5,000 or more per unit.
- Obtain three written bids for any single item. If a bidder other than the low bidder is selected, a statement must be submitted explaining why that vendor was selected.
- Any budget requests for equipment purchase **using grant funds** must be fully explained and justified by program need. Note that equipment purchases are generally not allowed for a contract with a term of 12-months or less.
- Delineate between administrative and program costs.
- If the item is to be used by more than one program, the cost must be prorated.
- Explain the program function and need for each item. Be as specific as possible.
- Clearly describe each item, including type and cost.
- Vehicles cannot be purchased. They may be leased if required for program operation. If vehicles are leased, the costs must be listed under the "Contractual/Consultant Services" section of the

Equipment Narrative: Give a brief description of the program related equipment supported by grant funds. Include basis of allocation of costs between programs, if applicable.

### 4. Supplies

- List major supply items (used for office, program, janitorial, etc.).
- Supplies are defined as tangible personal property (including computers, computer equipment, tables, etc.) having an acquisition value of less than \$5,000 per unit. Obtain three written bids for any single item costing over \$2,500. Obtain three written or verbal quotes for any single item costing \$2,500 or less. If a bidder other than the low bidder is selected, a statement must be submitted explaining why that vendor was selected.
- Delineate between administrative and program items.
- Describe items to be purchased and provide details showing how estimated costs were developed.
- Justify these costs in terms of number of staff and programmatic functions, and how the request relates to service provision.

## 5. Other Expenses

“Other Expenses” are costs that do not fall under the previous budget categories. Examples are occupancy costs for owned buildings, utilities, operation expenses, printing services, allowable administrative overhead, and other miscellaneous expenses.

### a. Space/Property (Own)

If the grantee owns the building, they must charge occupancy costs other than rental costs. Occupancy costs must be true costs made to a third party, for example, mortgage payment (exclusive of property/school taxes), cleaning costs, snow removal and general maintenance.

- Provide description of space.
- Provide justification.
- Provide itemization of total costs.
- Provide method of cost allocation of space

Space/Property Own Narrative: Provide a detailed explanation of all space and property costs supported by grant funds.

### b. Utilities

Provide a budget line for each utility cost. This may include electric, heat, telephone, other communication services and internet.

Utilities Narrative: Provide a detailed explanation of all utility costs and how costs here are allocated to this grant.

### c. Operating Expenses

This section is used to itemize costs associated with the operation of the program, including but not limited to, insurance, bonding, photocopying and advertising. Provide a budget line for each item.

Operating Expenses Narrative: Provide a detailed explanation of each operating expense and how costs here are allocated to this grant.

### d. Printing Services

- All agencies and subcontractors must make reasonable efforts to secure the lowest responsible bidder for printing services.
- In instances where a printing job is in excess of \$5,000, documentation of three (3) telephone bids is required showing that the lowest cost source has been used. This information must be provided with the *payment* claim. The state strongly encourages the participation and utilization of minority and women-owned printing firms.
- Program materials printed using these funds must be pre-approved by OCFS.

**Printing Services Narrative:** Provide a detailed explanation of all printing expenses.

**e. Miscellaneous Expenses**

- Food and refreshments are not allowable expenses for staff.
- Include items that are not applicable under any other category and that are directly related to the services to be provided.
- These items may include postage, client travel, , shipping, delivery and messenger services audio-visual services, (see note below for more specific instructions), materials, development costs, advertising costs for recruiting new hires, books, journals, periodicals, computer time and library services.
- Information on these costs, including how the estimates were calculated (e.g., cost per hour, cost per page, cost per square foot, etc.) should be provided in the budget narrative.
- Delineate between administrative and program items.
- Itemize any additional miscellaneous expenses that are allowed for this project that do not fall under any other budget category.

**Miscellaneous Expenses Narrative:** Provide a detailed explanation of each miscellaneous expense.

**f. Administrative Expense**

This category cannot include any items directly charged in other budget categories. Include the base on which the administrative expense will be charged.

A. For Federally Funded Awards **(not applicable)**

B. For State Funded Awards

Total administrative costs are limited to 15 percent of the total grant award.

- Indirect costs are considered in the total administrative costs for this project (indirect cost plus any directly charged administrative personnel, related fringes and non-personal services).
- Some common methods of allocating indirect costs are based upon time, space, units of service or percentage of funding.
- All administrative costs must be individually identified

All costs included in the direct cost categories must be directly attributable to the project. State Finance Law and Generally Accepted Accounting Principles require that any expense incurred over more than one funding source or program must be charged proportionately, and the method of allocation must be documented.

**6. Discretionary Budget Narrative Worksheet**

On this worksheet (Attachment B – Budget Summary) you record the total amount of your discretionary budget that will be spent through a NYS certified Minority or Women-Owned Business Enterprise (MWBE). The total budget amount for budget categories that are considered discretionary are recorded on in the “Total OCFS Funds” column of this worksheet as you complete the other parts of the budget.

- In the right-hand column, enter the “Total Discretionary Funds” that are subject to the MWBE spending goal.
- For any category where the “Total Discretionary Funds” is less than the “Total OCFS Funds,” provide an explanation in the appropriate category of the amount excluded and why it is non-discretionary.
- The amount that you must spend with an MWBE will automatically be calculated.

**Please note that when you are completing the budget in the Grants Gateway, you are required to upload the budget document into the *Pre-Submission Uploads* section of your application. Please be aware that this document must be converted to a PDF before it can be uploaded to the system.**

### **5.3 Key Concepts**

Performance Standards: Performance standards are the quantifiable and verifiable indicators of program performance; valid and reliable measures of environmental quality; the quality of staff-student interactions; and student outcomes. They contribute to the attainment of the desired outcomes as described in the RFP. These measurable and verifiable activities are used to achieve an acceptable level of the after-school services provided during the contract term.

Community-Based Organizations: These are not-for-profit organizations that work at a local level to improve life for residents. This focus is to build equality across society in all streams – health care, environment, quality of education, access to technology, access to spaces and information for the disabled, and more.

Required Program Outcomes: Tangible outcomes required, in this RFP, from the implementation and/or expansion of the after-school program(s).

### **5.4 Proposal Content**

Your proposal will consist of responses to the following questions in the Grants Gateway. These will be found in the “**Program Specific Questions**” section of the online application. The Work Plan is worth 80 points and the Budget is worth 20 points. Please see the sections below for a detailed point breakdown.

#### **Administrative Requirements**

Required documents must be uploaded as an attachment in the “**Program Specific Questions**” section of the Grants Gateway System as part of your response to applicable questions.

No.	Question	Yes/No
i.	Are you an eligible school district or a not-for-profit community-based organization proposing to serve an eligible school district (see <b>Attachment 1 – List of Eligible Schools</b> )?	<input type="checkbox"/> Yes <input type="checkbox"/> No *
ii.	Are you prequalified, or exempt from prequalification, in the NYS Grants Gateway by the application deadline (see <b>Section 3.2 Prequalification Process</b> )?	<input type="checkbox"/> Yes <input type="checkbox"/> No *
iii.	<p>If an applicant is a not-for-profit community based organization, a signed Partnership Agreement from the school district is included,</p> <p style="text-align: center;"><u>or</u></p> <p>If an applicant is the eligible school district and will be partnering with any not-for-profit community-based organizations, a letter identifying those organizations is included.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No *  <input type="checkbox"/> Yes <input type="checkbox"/> N/A *
iv.	Have you included a letter identifying the individual school(s) in the district that the after-school program(s) will be provided in, and the total number of students that will be served with the requested grant funds.	<input type="checkbox"/> Yes <input type="checkbox"/> No *
v.	<p>If the applicant is a not-for-profit organization serving children under the age of 13, a School Age Child Care (SACC) Registration is uploaded or will be obtained prior to contract execution.</p> <p style="text-align: center;"><u>or</u></p> <p>If the applicant is a school district, the applicant agrees to comply with the requirements outlined in OCFS Regulations at 18 NYCRR Part 414.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No *
vi.	Have you completed the Vendor Responsibility Questionnaire and has it been recently certified (see <b>Section 3.3 Vendor Responsibility Requirements</b> )?	<input type="checkbox"/> Yes <input type="checkbox"/> No
vii.	Provide the name, mailing address, phone number, and email address of the Executive Director of your organization or the District Superintendent who should receive notification of award/non-award.	<input type="checkbox"/> Yes <input type="checkbox"/> No
viii.	Provide the name, title, mailing address, phone number, and email address of any other individual in your organization who should receive notification of award/non-award.	<input type="checkbox"/> Yes <input type="checkbox"/> No
ix.	Is your Charities Registration current (Not-for-profits only)?	<input type="checkbox"/> Yes <input type="checkbox"/> No



x.	Your organization has a governing board (Board of Directors or School Board) which includes a minimum of three members. Minutes and attendance records from the last three Board Meetings are uploaded.	<input type="checkbox"/> Yes <input type="checkbox"/> No *
* A “No” response to administrative questions i, ii, iii, iv, v, or x of this section or failure to submit the required documentation with your application will result in disqualification.		

**Work Plan Requirements (up to 80 points)**

The Work Plan template is available in the “**Pre-Submission Uploads**” section of the Grants Gateway System. Use this document to help prepare proposed responses to the “**Program-Specific Questions**” section. The Work Plan template will not be uploaded or submitted with your application.

Please refer to **Section 5.1 Technical Proposal Content/Work Plan** for additional information and guidelines regarding these questions.

If any responses to individual questions exceed the 4,000-character limit, please enter “see attached upload” in the text field and upload your complete and clearly labelled response to the corresponding question in the “**Program-Specific Question**” section of your application. Uploaded responses must contain only the response for that specific individual question.

No.	Question	Max. Points
<b>A. Program Development Plan (up to 33 points)</b>		
1	Clearly and comprehensively describe how the program will serve the target population(s).	7
2	Describe a wide range of age-appropriate activities.	7
3	Clearly describe how the program will place emphasis on meeting the needs of homeless and displaced students, disconnected youth and youth with special needs.	6
4	Clearly indicate the methods and sources of information the applicant utilizes to establish baseline data and meet performance targets and program outcomes as outlined in RFP section 4.1 (Desired Outcomes and Program Requirements).	4
5	Describe how the Program Plan utilizes effective strategies for promoting and measuring youth and family involvement.	5
6	Describe how the Program Plan utilizes effective activities to reduce bullying and promote positive social development, how an alternate location other than school grounds is justified (if applicable) and how the program will meet the minimum operational hours required.	4
<b>B. Organization (up to 10 points)</b>		
7	School District and, if applicable, Not-For-Profit Organizational Capacity: Describe the history of the school and, if applicable, the not-for-profit community-based organization within the community and provide evidence that it has the capacity to serve the target population(s). Describe how the management of the school district and, if applicable, the not-for-profit community-based	10

	organization, supports the proposal for this ESAP and the Program Standards of Excellence (see Attachment 2). Also include data on the community's racial and ethnic composition, as well as the homeless/displaced student population. Describe how the staffing pattern of the ESAP is representative of the community, cultures, and languages of those who are targeted to receive services. Discuss how the applicant's staffing pattern is representative of the community it plans to serve.	
<b>C. Responsiveness to Target Population (up to 27 points)</b>		
8	Describe how the funding will be made available to the highest need schools in the eligible district, taking into account school districts with the highest rates of student homelessness, and, displaced students, disconnected youth and youth with special needs Provide details on the measures used to determine schools with the highest need students within those schools.	10
9	Adequately address at least one identified need of the target population.	5
10	Identify the expected results (changes in conditions, status or behavior) of the target population as opposed to the activities designed to produce the results.	4
11	Identify results that will significantly contribute to the achievement of the program objectives.	4
12	Identify achievable results within the available funding resources that are clearly defined, have tasks that are measurable, and identify appropriate and realistic methods of verifying task achievements.	4
<b>D. Meeting OCFS Requirements (up to 10 points)</b>		
13	Demonstrate how the school district or not-for-profit community-based organization proposes to meet the OCFS school-age standards for a quality school-age program.	10

**E. Budget Requirements (up to 20 points)**

No.	Question	Max. Points
14	<p>Provide an operating budget in accordance with the requirements of <b>Section 5.2 Proposed Budget</b> that includes sufficient funds to operate the program effectively and demonstrates a clear relationship between the funds requested and the scope and level of required activities. Administrative costs may not exceed 15% of the budget. Outreach, training and education, and eligibility determination are NOT considered administrative costs.</p> <p>The budget template can be found in the <b>“Pre-Submission Uploads”</b> section of the RFP in the Grants Gateway System. The completed operating budget is uploaded as an attachment in the <b>“Pre-Submission Uploads”</b> section of your application.</p>	20

## **5.5 Proposal Submittal Process**

### **How to Submit a Proposal**

In order to access the online proposal and other required documents such as the attachments, you must be registered and logged into the NYS Grants Gateway system <https://grantsgateway.ny.gov> in the user role of either a “Grantee” or a “Grantee Contract Signatory.” For tutorials (training videos) on using the Grants Gateway, refer to: <https://grantsreform.ny.gov/youtube>.

**Note: Only users logged in with the following roles can submit the application for review: (1) Grantee Contract Signatory; and, (2) Grantee System Administrator. Proposals must be submitted online via the Grants Gateway by the date and time indicated in Section 1.2 Calendar of Events of this RFP.**

Please visit the Grants Reform website at the following web address: <http://grantsreform.ny.gov/grantees> and select “Quick Start Guide: Applications” from the Grants Gateway menu for information on the process.

To find the Request for Proposal, log into the Grants Gateway and from the Welcome Page, click “Browse Now!” under “Browse,” then do one of the following:

- Click the link for the opportunity; or
- Search for the opportunity by selecting the Office of Children and Family Services as the Funding Agency and pressing the Search button.

Once you locate the solicitation you are looking for, click on the name of that Grant Opportunity, and you will be taken to a summary page called *Grant Opportunity Portal – Grant Opportunity Profile*. You will see a brief description of the opportunity, a link to “View Grant Opportunity” (lower left of screen), or the option to click a link that will take you to the opportunity on an external website (upper middle of screen). Please note that even though you have access to the PDF of the RFP, all responses to the RFP must be answered in the GGS.

Please note that:

- Late proposals will not be accepted.
- Proposals must be submitted into the **GGG only**.
- **Proposals may not be submitted via email, postal delivery, hand delivery, facsimile nor in hard copy format.**

### **Helpful Links**

Some helpful links for questions of a technical nature are below. Questions regarding specific opportunities or proposals should be directed to the OCFS contact listed in **Section 1.1 PROCUREMENT CONTACT** on page one of this RFP.

Grants Reform Videos (includes a document vault tutorial and an application tutorial) are available on YouTube:

<http://www.youtube.com/channel/UCYnWskVc7B3ajjOVfOHL6UA>

NYS Grants Gateway Help Desk: 518-474-5595

Grants Team email: [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov)

(Proposal completion, policy, and registration questions)

<https://grantsgateway.ny.gov>

## 6.0 MINIMUM CRITERIA/EVALUATION PROCESS

### 6.1 **Minimum Criteria (Pass/Fail Review Criteria)**

Bidders must meet the Minimum Qualifications to submit a Proposal in accordance with **Section 3.1 Minimum Qualifications** and **Section 3.2 Prequalification Process**. Bidders not meeting these requirements will be disqualified from further consideration.

### 6.2 **Evaluation Process**

OCFS will evaluate each proposal meeting the requirements in **Section 6.1 Minimum Criteria (Pass/Fail Review Criteria)** above using the criteria in **Section 5.4 Proposal Content**. The Technical Proposal (evaluation of the Work Plan) will be weighted *80 points* of a proposal's total score and the information contained in the Cost Proposal (evaluation of the Budget) will be weighted *20 points* of a proposal's total score. Proposals will be rated by a review team using the criteria in Section 5 Proposal Content and Submission. The evaluation process will be as follows:

Applications will be reviewed and scored by two trained reviewers using a structured, pre-approved review instrument. Applications that receive an average score of a minimum of seventy-five points or more will be considered for funding.

Recommendations will be based on highest scoring applications and funding availability. In the event of a tie between two or more proposals, or a point spread of 10 or more points, a third reviewer will review and rate the proposals. The final score will be based on the average of the three reviewer scores.

Of the \$10 million available for this RFP, \$2 million will initially be made available to qualifying applicants with programs located in school districts in high-need or at-risk areas in Nassau or Suffolk counties (as identified in Attachment 1). Funds to these applicants will be awarded based on proposal scores, beginning with the highest scored proposal and contingent on the funding amount requested and available funds. Applicants funded under this \$2 million will be required to provide an assurance that the applicants will partner with State and local law enforcement in gang prevention and education initiatives. Should a portion of the \$2 million be remaining after awards are made to qualifying applicants in Nassau and Suffolk counties meeting the at-risk or high-need criteria, such funds will be awarded beginning with the highest scoring application that proposes to serve an eligible school district as listed in Attachment 1.

Initial awards may be up to \$800,000 per applicant annually. However, applicants may apply for up to 40 percent of the total RFP funding amount (\$4 million). If funding is available after awards to all applicants receiving a passing score, the available funds will be distributed based on the amount requested by the highest-scoring applicants. In this event, funds will be awarded by funding the applicant with the highest-scoring application, and continuing down the list of passing applications until all funds are awarded. No applicant shall receive more than 40 percent of the total ESAP RFP funding (\$4 million). New York City will be considered one school district for the purposes of the 40 percent RFP funding limit. Community school districts, or not-for-profit community-based organizations serving community school districts in all five boroughs of New York City are eligible, in total, for up to 40 percent of the RFP funding (\$4 million).

OCFS reserves the right to make adjustments to the funding amount requested based on program need and based on the total dollar value of the applications submitted.

### **6.3 Bonus Points:**

Not applicable.

### **6.4 OCFS Procedure for Handling Debriefing Requests, Formal Protests and Appeals**

#### **A. Applicability**

The intent and purpose of these procedures is to define the debriefing process, as well as the protest and appeal procedures. This includes the steps that must be taken when an interested party challenges a contract award from OCFS. These procedures shall apply to all contract awards made by OCFS.

#### **B. Definitions**

1. "Interested party" shall mean a participant in the procurement process and those whose participation in the procurement process has been foreclosed by OCFS.
2. "Contract award" shall mean a written determination from OCFS to an offerer, indicating that OCFS has accepted the offerer's bid or offer.
3. "Debriefing" is the practice whereby, upon request of a bidder, OCFS reviews with such bidder the reasons its bid was not selected for an award. OCFS views debriefing as a learning process so that the bidder will be better prepared to participate in future procurements.
4. "Formal Protest" shall mean a written challenge to an OCFS contract award.
5. "Procurement" shall mean any method used to solicit or establish a contract (e.g., invitation for bid, request for proposal, single/sole source, etc.)

6. "Protesting party" is the party who is filing a protest to the bid, contract award or other aspect of procurement.
7. "Formal protest determination" shall mean the determination of a formal protest by the associate commissioner for financial management of OCFS or his or her designee.
8. "Decision after appeal" shall mean the decision on the appeal of a formal protest by the executive deputy commissioner of OCFS or his or her designee.

### **C. Debriefing Request**

In accordance with section 163 of the NY State Finance Law, OCFS must, upon request, provide a debriefing to any unsuccessful offerer that responded to the RFP, regarding the reasons that the proposal or bid submitted by the unsuccessful offerer was not selected for an award.

1. OCFS will provide notice in writing or electronically to all unsuccessful offerers that the offerer will not receive a funded award under the RFP. An unsuccessful offerer wanting a debriefing must request a debriefing in writing, within fifteen calendar days of receipt of the notice from OCFS that the offerer's proposal did not result in an award.
2. OCFS, upon receipt of a timely written request from the unsuccessful offerer, will schedule the debriefing to occur within a reasonable period of time following the receipt of such request. Debriefings will be conducted in-person, unless OCFS and the offerer mutually agree to utilize other means, including, but not limited to, telephone, video-conferencing or other types of electronic communications.
3. Such debriefing will include: (a) the reasons that the proposal, bid or offer submitted by the unsuccessful offerer was not selected for an award; (b) the qualitative and quantitative analysis employed by OCFS in assessing the relative merits of the proposals, bids or offers; (c) the application of the selection criteria to the unsuccessful offerer's proposal; and (d) when the debriefing is held after the final award, the reasons for the selection of the winning proposal, bid or offer. The debriefing will also provide, to the extent practicable, general advice and guidance to the unsuccessful offerer concerning potential ways that their future proposals, bids or offers could be more responsive.

### **D. Formal Protest and Appeal Procedure**

Any interested party who believes that they have been treated unfairly in the application, evaluation, bid award, or contract award phases of the procurement, may present a formal protest to OCFS and request administrative relief concerning such action.

#### **A. Submission of Bid or Award Protests**

Formal protests concerning a pending contract award must be received within five (5) business days after the protesting party knows or should have known of the facts that constitute the basis of the formal protest. Formal protests will not be accepted by OCFS concerning a contract award after the contract between OCFS and the offerer who received the contract award has been approved by the NYS Office of the State Comptroller (OSC).

#### B. Review and Formal Protest Determination

1. Formal protests must be filed with the OCFS associate commissioner for financial management. Any protests filed with the OCFS program division responsible for the procurement will be forwarded to the associate commissioner for financial management. Copies of all formal protests will be provided by the associate commissioner for financial management to the OCFS Division of Legal Affairs and other necessary parties within OCFS, as determined by the associate commissioner for financial management.
2. Formal protests shall be resolved through written correspondence; however, either the protesting party or OCFS may request a meeting to discuss a formal protest. Where further formal resolution is required, the program division responsible for the procurement may designate a state employee not involved in the procurement ("designee") to determine and undertake the initial attempted resolution or settlement of any formal protest.
3. The OCFS program division responsible for the procurement will conduct a review of the records involved in the formal protest, and provide a memorandum to the associate commissioner for financial management or the associate commissioner's designee summarizing the facts, an analysis of the substance of the protest, and a preliminary recommendation including: (a) an evaluation of the findings and recommendations, (b) the materials presented by the protesting party and/or any materials required of or submitted by other bidders, (c) the results of any consultation with the OCFS Division of Legal Affairs, and (d) a draft response to the formal protest.
4. The OCFS associate commissioner for financial management or his or her designee shall hear and make a formal protest determination on all formal protests. A copy of the formal protest determination, stating the reason(s) upon which it is based and informing the protesting party of the right to appeal an unfavorable decision to the OCFS executive deputy commissioner, shall be sent to the protesting party or its agent within thirty (30) business days of receipt of the formal protest, except that upon notice to the protesting party such period may be extended by OCFS. The formal protest determination will be recorded and included in the procurement record, or otherwise forwarded to the OSC.

#### C. Appeal of Formal Protest Determination

1. If the protesting party is not satisfied with the formal protest determination, the protesting party **must** submit a written notice of appeal to the executive deputy commissioner of OCFS no more than fifteen (15) business days after the date the formal protest determination is sent to the protesting party.
2. The executive deputy commissioner or his or her designee shall hear and make a decision after appeal on all appeals.
3. An appeal may not introduce new facts unless responding to facts or issues unknown to the protesting party prior to the formal protest determination.

D. Reservation of Rights and Responsibilities of OCFS

1. OCFS reserves the right to waive or extend the time requirements for protest submissions, decisions and appeals herein prescribed when, in its sole judgment, circumstances so warrant to serve the best interests of the State.
2. If OCFS determines that there are compelling circumstances, including the need to proceed immediately with contract award and development of final contracts in the best interests of the state, then these protest procedures may be suspended and such determination shall be documented in the procurement record.
3. OCFS will consider all information relevant to the protest, and may, at its discretion, suspend, modify, or cancel the protested procurement action, including solicitation of bids, or withdraw the recommendation of contract award prior to issuance of a formal protest decision.
4. Unless a determination is made to suspend, modify or cancel the protested procurement action, or withdraw the recommendation of contract award, OCFS will continue procurement and contract award activity prior to the formal protest determination. The receipt of a formal protest will not otherwise stop action on the procurement and award of the contract(s) or on development of final contracts.
  - a. The procurement record and awarded contract(s) will be forwarded to OSC, and a notice of the receipt of a formal protest and any appeal will be included in the procurement record. If a formal protest determination, or a decision after appeal, has been reached prior to transmittal of the procurement record and the contract(s) to OSC, a copy of the formal protest determination or decision after appeal will be included in the procurement record and with the contract(s).
  - b. If a formal protest determination or decision after appeal is made after the transmittal of the procurement record and contract(s) to OSC, but prior to OSC approval, a copy of the formal protest determination or decision after appeal will be forwarded to OSC when issued, along with a letter either: a) confirming the original OCFS recommendation for



award(s); b) modifying the proposed award recommendation; or c) withdrawing the original award recommendation.

- c. All records related to formal protests and appeals shall be retained for at least one (1) year following resolution of the formal protest. All other records concerning the procurement shall be retained according to the applicable requirements for records retention.

#### **E. Appeal to the Office of the State Comptroller**

If the protesting party is still not satisfied with the result of its protest after conclusion of the formal protest and appeal procedure described above, the protesting party *may* file a written appeal with the OSC within ten business days of the date the protesting party received OCFS's protest determination. An appeal to the OSC's Bureau of Contracts must be in writing and must contain the specific factual and/or legal allegations setting forth the basis upon which the protesting party challenges the contract award by OCFS. Such appeal must be filed with the director of the Bureau of Contracts at the NYS Office of the State Comptroller, 110 State Street, 11<sup>th</sup> Floor, Albany, NY 12236.

## **7.0 MANDATORY CONTRACTING REQUIREMENTS**

### **7.1 Contract Readiness**

New York State's Prompt Contracting laws require all state agencies to complete contract development and the signatory process within statutorily-prescribed timeframes. Awardees must be available and prepared to respond within the required timeframes. If selected, awardees may be required to travel to Rensselaer, New York for contract development and will be expected to cover the costs of that travel. OCFS may rescind the awards of awardees who cannot satisfactorily complete the contracting process to commence services by the anticipated contract start date.

### **7.2 Standard Contract Language**

The terms and conditions for all funded projects are specified in a detailed contract that must be signed by OCFS and approved by the New York State Office of the Attorney General (OAG) and the OSC before payments may be made. Contractor obligations or expenditures prior to the contract start date shall not be reimbursed. This RFP includes all relevant contract terms and conditions, which can be found in Section 8: CONTRACT DOCUMENTS. Upon contract award and completion of negotiations, OCFS will send successful awardees the complete contract for development and signature prior to submitting it to the OAG and to OSC for approval.

### **7.3 Workers Compensation Insurance and Disability Benefits Coverage**

Sections 57 and 220 of the Workers' Compensation Law (WCL) and section 142 of the State Finance Law require that businesses contracting with New York State have and maintain and provide evidence of appropriate workers' compensation and disability benefits insurance coverage. In the event that an award is made from this RFP, updated proof of coverage must be provided during contract development. Failure to submit the proof will delay the contract development process, and may result in the award being rescinded. Municipalities are not required to show proof of coverage.

**Please note: The ACCORD form is not acceptable proof of Workers' Compensation or Disability Insurance coverage.**

#### **A. Proof of Workers' Compensation Coverage**

To comply with coverage provisions of the WCL, the Workers' Compensation Board requires that a business seeking to enter into a state contract, or contract renewal, submit appropriate proof of coverage to the state contracting entity issuing the contract. To prove the awardee has appropriate workers' compensation insurance coverage, submit ONE of the following four forms:

<http://www.wcb.ny.gov/content/main/forms/AllForms.jsp>

- **Form C-105.2** - *Certificate of Workers' Compensation Insurance* issued by private insurance carriers, or **Form U-26.3** issued by the State Insurance Fund; or
- **Form SI-12** - *Certificate of Workers' Compensation Self-Insurance*; or **Form GSI-105.2** *Certificate of Participation in Workers' Compensation Group Self-Insurance*; or
- **CE-200** - *Certificate of Attestation of Exemption* from NYS Workers' Compensation and/or Disability Benefits Coverage.

#### **B. Proof of Disability Benefits Coverage**

To comply with coverage provisions of the WCL regarding disability benefits, the Workers' Compensation Board requires that a business seeking to enter into a state contract, or contract renewal, submit appropriate proof of coverage to the state contracting entity issuing the contract. To prove the awardee has appropriate disability benefits insurance coverage, submit ONE of these three forms:

<http://www.wcb.ny.gov/content/main/forms/AllForms.jsp>

- **Form DB-120.1** - *Certificate of Disability Benefits Insurance*; or
- **Form DB-155** - *Certificate of Disability Benefits Self-Insurance*; or
- **CE-200** - *Certificate of Attestation of Exemption* from New York State Workers' Compensation and/or Disability Benefits Coverage.

#### **7.4 Contractor Employee and Volunteer Background/Confidentiality Non-Disclosure Agreement Forms (if applicable)**

OCFS is responsible for maintaining the safety of the youth served by OCFS programs. New York State law requires that any client identifiable information be kept confidential. Any contactor who will provide goods and/or services to a residential facility or any program operated by OCFS where employees and volunteers have the potential for regular and substantial contact with youth in the care or custody of the commissioner of OCFS or who will be provided with confidential information of recipients served by OCFS programs must require all its employees and volunteers to complete and sign the *Confidentiality Non-Disclosure Agreement (OCFS-4715)* and *Contractor Employee and Volunteer Background Certification (OCFS-4716)* forms. These forms must be completed before any such employees and/or volunteers are permitted access to youth served by OCFS, and/or any financial and/or client identifiable information concerning such youth. **The forms should be completed after the bidder has been awarded funding, during the contract development, as directed by OCFS.** For additional information see Appendix A-1, **Section 7 Confidentiality and Protection of Human Subjects**, located at the link to a standard contract listed in **section 7.2** above.

#### **7.5 Charities Registration (not-for-profit corporations only)**

Not-for-profit vendors must be registered with the New York State Office of the Attorney General as a charitable organization, and the registration must be up to date at the time of contracting. Vendors must be sure all their documents are up-to-date and comply with the vendor responsibility requirements as outlined below. To determine the status of your charities registration information, contact:

[https://www.charitiesnys.com/RegistrySearch/search\\_charities.jsp](https://www.charitiesnys.com/RegistrySearch/search_charities.jsp)

#### **7.6 Federal Requirements (if federally funded)**

See Attachment A-2, *Federally Funded Grants*, which is located in the Master Contract for Grants, that is referenced in **Section 8.0 Contract Documents**.

#### **7.7 Required Electronic Payments and Substitute Form W-9**

The Governor's Office of Taxpayer Accountability has issued a directive that all state agency and state authority contracts, grants and purchase orders executed after February 28, 2010 shall require vendors, contractors and grantees to accept electronic payment (e-pay).

As New York State proceeds with implementing the new Statewide Financial System (SFS), the OSC is preparing a centralized vendor file. To assist OSC in this project, vendors are directed to provide a *Substitute Form W-9* which includes the taxpayer identification number, business name, and business contact person. This data is critical to ensure that the vendor file contains the information state agencies need in order to contract with and pay vendors.

Please note that the contractor payee name and address provided to OSC for the epay program must match exactly the contractor name and address contained in the contractor's contract with OCFS. If these do not match, then a check is printed and mailed to the payee. Note that limited exemptions may be granted for extenuating circumstances.

Vendors should file a *Substitute Form W-9* with their Electronic Payment Authorization form.

Further information concerning these requirements, including forms and contacts for questions, can be found at the following links:

<http://osc.state.ny.us/vendors/epayments.htm>  
<http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>  
(Guide to Financial Operations)

### **7.8 Iran Divestment Act**

By submitting a bid in response to this solicitation or by assuming the responsibility of a contract awarded hereunder, bidder/contractor (or any assignee) certifies that it is not on the Prohibited Entities List, as defined by the *Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012* (the Act), which is posted on the OGS website at <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such contract any subcontractor that is identified on the "Prohibited Entities List." Bidder/contractor is advised that should it seek to renew or extend a contract awarded in response to the solicitation, it must provide the same certification at the time the contract is renewed or extended.

During the term of the contract, should OCFS receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, OCFS will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased engagement in the investment activity that is in violation of the Act within 90 days after the determination of such violation, then OCFS shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, terminating the contract and/or declaring the contractor in default.

OCFS reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities List after contract award.

## **7.9 Statewide Financial System**

Recipients of grant awards must also be registered in the New York Statewide Financial System (SFS) Central Vendor Registry File and provide their identification number at the time of contracting. To register and for additional information on the vendor file, visit: [http://www.osc.state.ny.us/vendor\\_management/index.htm](http://www.osc.state.ny.us/vendor_management/index.htm)

## **7.10 Minority- and Women-Owned Business Enterprises (MWBE) – Equal Employment Opportunity (EEO) - Requirements and Procedures**

**This section outlines contractor requirements and procedures for business participation opportunities for New York State certified Minority- and Women-Owned Business Enterprises (MWBE) and Equal Employment Opportunities (EEO) for minority group members and women. All forms can be found [here](#).**

### **7.10.1 New York State Executive Law (Article 15-A)**

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations OCFS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OCFS contracts.

### **7.10.2 MWBE Business Participation Opportunities – OCFS Established Goals**

A. For purposes of this solicitation, OCFS hereby establishes an overall goal of **30** percent for MWBE participation, **15** percent for New York State-certified Minority-owned Business Enterprise (“MBE”) participation and **15** percent for New York State-certified Women-owned Business Enterprise (“WBE”) participation (based on the current availability of MBEs and WBEs), however, strict adherence to the suggested 15% MBE and 15% WBE utilization goal is not required as long as the overall goal of 30 percent is met. A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, the respondent agrees that OCFS may withhold payment pursuant to any Contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how OCFS will evaluate a Contractor’s “good faith efforts,” refer to 5 NYCRR § 142.8.

The respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25 percent of the total value of the contract.

### **7.10.3 Contract Compliance**

In accordance with 5 NYCRR § 142.13, the respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this RFP, such finding constitutes a breach of contract and OCFS may withhold payment as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System ("NYSCS"), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting OCFS.

Additionally, a respondent will be required to submit the following documents and information as evidence of compliance with the foregoing:

- A. An MWBE Utilization Plan with their bid or proposal. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to OCFS for review and approval.

OCFS will review the submitted MWBE Utilization Plan and advise the respondent of OCFS acceptance or issue a notice of deficiency within 30 days of receipt.

- B. If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the OCFS a written remedy in response to the notice of deficiency, to [MWBEINFO@ocfs.ny.gov](mailto:MWBEINFO@ocfs.ny.gov). If the written remedy that is submitted is not timely or is found by OCFS to be

inadequate, OCFS shall notify the respondent and direct the respondent to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

OCFS may disqualify a respondent as being non-responsive under the following circumstances:

- a) If a respondent fails to submit an MWBE Utilization Plan;
- b) If a respondent fails to submit a written remedy to a notice of deficiency;
- c) If a respondent fails to submit a request for waiver; or
- d) If OCFS determines that the respondent has failed to document good faith efforts.

The successful respondent will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to OCFS, but must be made no later than prior to the submission of a request for final payment on the Contract.

The successful respondent will be required to submit a quarterly M/WBE Contractor Compliance & Payment Report to OCFS, by the 10<sup>th</sup> day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

#### **7.10.4 Equal Employment Opportunity (EEO) Requirements**

By submission of a bid or proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of Appendix A – Standard Clauses for All New York State Contracts including Clause 12 - Equal Employment Opportunities for Minorities and Women OR Authority equivalent to Appendix A. The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This

requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The respondent will be required to submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement, as referenced in **Section 1.6 Submission of Proposals**, to OCFS with its bid or proposal.

If awarded a Contract, respondent shall submit a Workforce Utilization Report and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by OCFS on a Quarterly basis during the term of the Contract.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

**Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.**

#### **7.11 Service-Disabled Veteran-Owned Business (SDVOB)**

[The Service-Disabled Veteran-Owned Business Act](#), signed into law by Governor Andrew M. Cuomo on May 12, 2014, allows eligible veteran business owners to become certified as a New York State Service-Disabled Veteran-Owned Business (SDVOB) in order to increase the participation of such businesses in New York State's contracting opportunities. The SDVOB Act, which is codified under Article 17-B of the Executive Law, acknowledges that SDVOBs strongly contribute to the economies of the state and the nation. Therefore, and consistent with its Master Goal Plan, OCFS strongly encourages vendors who contract with OCFS to consider the utilization of certified SDVOBs that are responsible and responsive for at least six (6) percent of discretionary non-personnel service spending in the fulfillment of the requirements of their contracts with OCFS. Such partnering may include utilizing certified SDVOBs as subcontractors, suppliers, protégés, or in other supporting roles to the maximum extent practical, and consistent with the legal requirements of the State Finance Law and the Executive Law. Certified SDVOBs may be readily identified through the directory of certified businesses at:



<https://ogs.ny.gov/Veterans>

For additional information relating to the use of certified SDVOBs in contract performance, and participation by SDVOBs with respect to State contracts through Set Asides, please refer to the following:

- [Use of Service-Disabled Veteran-Owned Business Enterprises in Contract Performance](#)
- [Participation by Service-Disabled Veterans with Respect to State Contracts Through Set Asides](#)
- <https://ogs.ny.gov/Veterans/default.asp>

## **7.12 Omnibus Procurement Act**

The *Omnibus Procurement Act of 1992* requires that by signing a bid proposal, contractors certify that whenever the total bid amount is greater than \$1 million:

1. The contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors on this project and has retained the documentation of these efforts to be provided upon request to the State of New York; and has
2. Documented their efforts to encourage the participation of New York state business enterprises as suppliers and subcontractors by showing that they have:
  - Solicited bids, in a timely and adequate manner, from ESD business enterprises, including certified minority/women-owned businesses; or
  - Contacted ESD to obtain listings of New York State business enterprises and MWBEs; or
  - Placed notices for subcontractors and suppliers in newspapers, journals or other trade publications distributed in New York State, or
  - Participated in bidder outreach conferences; and
  - Provided a statement indicating the method by which they determined that New York State business enterprises are not available to participate on the contract as subcontractors or suppliers, *if the contractor has determined such*; and
  - Provided a statement verifying no intention of using subcontractors, *if the contractor has no such intention*.
3. The contractor has complied with the *Federal Equal Opportunity Act of 1972* (P.L. 92-961), as amended.
4. The contractor will be required to notify New York State residents of employment opportunities by listing any such positions with the Community Services Division of the New York State Department of

Labor, providing for such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The agency agrees to document these efforts and to provide said documentation to OCFS upon request.

5. Bidders located in a foreign country are notified that the state may assign or otherwise transfer offset credits to third parties located in New York State, and the bidders shall be obligated to cooperate with the state in any and all respects in making such assignment or transfer, including, but not limited to, executing any and all documents deemed by the state to be necessary or desirable to effectuate such assignment or transfer and using their best efforts to obtain the recognition and accession to such assignment or transfer by any applicable foreign government.
6. Bidders are hereby notified that state agencies and authorities are prohibited from entering into contracts with businesses whose principle place of business is located in a “discriminatory jurisdiction.” Discriminatory jurisdiction is defined as a state or political subdivision which employs a preference or price distorting mechanism to the detriment of or otherwise discriminates against a New York State business enterprise in the procurement of commodities and services by the same or a nongovernmental entity influenced by the same. A list of discriminatory jurisdictions is maintained by Commissioner of the New York State Empire State Development Corporation.

### **7.13 Other Requirements**

Not Applicable.

## **8.0 CONTRACT DOCUMENTS**

The contract documents consist of the documents listed below.

1. Face Page
2. Signatory Page
3. NYS Standard Terms and Conditions (State of New York Master Contract for Grants)
4. Master Contract Attachment A-1 (Agency-Specific Terms and Conditions)
5. Master Contract Attachment A-2 (Federally Funded Grants)
6. Master Contract Attachment B: Budget and Instructions
7. Master Contract Attachment C: Work Plan
8. Master Contract Attachment D: Payment and Reporting Schedule
9. Attachment MWBE: Participation by Minority and Women-Owned Business Enterprises: Requirements and Procedures

NYS Standard Terms and Conditions (State of New York Master Contract for Grants) is located in the **NYS Grants Gateway System (GGS)** at the following link:  
[http://www.grantsreform.ny.gov/sites/default/files/docs/nys\\_master\\_contract\\_for\\_grants\\_8\\_14.pdf](http://www.grantsreform.ny.gov/sites/default/files/docs/nys_master_contract_for_grants_8_14.pdf)

**Required with bid submission (Please click the links below to download the required forms):**

- A. [MacBride Fair Employment Principles in Northern Ireland \(OCFS-2633\)](#)
- B. [Non-Collusive Bidding Certification Required by Section 139d of the State Finance Law \(OCFS-2634\)](#)
- C. Attachment A-2 (Federal Assurances)
- D. For complete proposal and contract requirements for the Minority-and-Women-Owned Business Enterprises (MWBE) and Equal Employment Opportunity (EEO) requirements, refer to the [Attachment MWBE](#) that is referenced in Section 7.10. The following are forms to be completed and submitted with your Administrative Proposal:
  - [Project Staffing Plan Form \(OCFS-4629\)](#)
    - [MWBE Equal Employment Opportunity \(EEO\) Policy Statement Form \(OCFS-3460\)](#)
  - [MWBE Utilization Plan Form \(OCFS-4631\)](#)
- E. For complete proposal and contract requirements for the New York State Service-Disabled Veteran-Owned Business (SDVOB) Act, please refer to section 7.11 and complete the following attachment:

## **9.0 GLOSSARY OF OUTCOME-BASED CONTRACTING TERMS**

**Fiscal Documentation:** Documentation necessary for payment.

**Grants Gateway:** The New York State Grants Gateway went into operation on May 15, 2013, and serves as the primary outlet for state agencies to post upcoming and available funding opportunities.

**Guide To Financial Operations (GFO):** This website was created as the central storehouse of OSC policies and is intended to replace individual OSC Bulletins. The GFO can be found at <http://www.osc.state.ny.us/agencies/guide/MyWebHelp>.

**Legal Documents:** Legally required application/contract components.

**Organizational Qualifications:** The organizational characteristics and capacity (e.g., agency mission, past accomplishments/experience in serving the target population or in providing similar services to a different population, experience in collaborating with community agencies needed for program success, key people, and fiscal capability) that are likely to result in successful performance target attainment.

**Baseline Estimate:** The projected status of the target population without the proposed intervention. A baseline is the best estimate, using prior program experience, collected data, and/or research results, of what would happen to the target population without the program's intervention and its benefits. Projection should be numerical (a number or a percentage). A baseline estimate is required for each performance target.

**Outcomes:** The desired benefits or changes for the target population following their interaction with a program. These are the expected results of program intervention. Outcomes may relate to knowledge, skills, attitudes, behaviors or conditions. Either the investor or provider may set them. (They are broader, and more general than performance targets. They do not require numerical projection). In some instances the outcome may be a system change rather than an individual behavior change.

**Performance Targets:** Performance targets are the *measurable* verifiable improvements in the condition or behavior of program recipients that the provider expects to achieve *by the end of the contract period*. Targets are quantifiable and verifiable indicators of program performance. They contribute to the attainment of the desired outcomes for the target population. Attainment of several performance targets may be needed to indicate the achievement of a single outcome. Performance targets must include a description of the methods that will be used to verify target achievement.

**Milestones:** *Measurable interim* changes in the condition or behavior of the target population used to track whether the program is on course to achieve its performance targets. These are critical points of change or target population achievement that must occur to progress towards the performance targets. You must include a description of the methods that will be used to verify milestone achievement.

**Program Budget:** Definition of program expenditures and funding sources.

**Program Description:** Detailed explanation of the means (service model, plan or approach) the provider will use to achieve its performance targets and outcomes. This should include a description of the program's core features (i.e., the kinds of services provided, their intensity and duration, the essential elements, theoretical approach, delivery strategies, involvement of target population in planning, etc.).

**Project Work Plan:** Steps necessary to implement a program.

**Staffing Pattern:** Please identify the staff assigned to a program, regardless of whether it is paid through OCFS funds.

**Target Population:** Please describe the specific group of people (individuals, families, community members or, in certain instances, the specified personnel or entity/entities) that are the focus of change, and who will directly interact with the program. In certain instances where the desired outcome is systemic change, an agency as a whole may be considered the target population.

**Verification:** Statement of methods used to verify performance target and milestone attainment and/or submission of actual documentation.

**Vendor Responsibility:** Compliance with New York State Finance Law and guideline provisions related to vendor integrity providing reasonable assurance that the potential contractor has the capacity to perform the requirement of the contract. This includes authority to do business in the state, capacity and performance in addition to the aforementioned integrity.

**Vision:** OCFS Program Area Statement of ideal end-state sought for a population (e.g., prevention of child abuse and neglect).

## **10.0 PROGRAM-SPECIFIC REQUIREMENTS AND FORMS**

**The following attachments can be found in the “Pre-Submission Uploads” section of the proposal in the Grants Gateway System. Please download them from that location, complete them, and upload them back to that section so that they will be submitted with your application:**

- Attachment 1 – List of Eligible Schools
- Attachment 2 – Program Standards of Excellence
- Attachment 3 – Workplan Template
- Attachment 4 – Budget Template