



**Office of Temporary
and Disability Assistance**

Release Date:

April 9, 2024

Request for Proposals

Supplemental Nutrition Assistance Program
Nutrition Education and Obesity Prevention
SNAP-Ed III Direct Services

Submission Deadline:

May 10, 2024

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Part A: RFP General Information

I. Timelines and Proposal Submission

Questions Concerning this RFP

Organizations may submit questions via electronic mail to the email address provided below. All questions must be sent via email. No mailed or telephone inquiries will be accepted. Please include your name and the name of your organization in your email. Questions must be submitted prior to the 5:00 p.m. deadline on April 17, 2024. Answers to all questions received by this date will be posted on the Office of Temporary and Disability Assistance (OTDA) website at: [Procurement/Bid Opportunities | OTDA \(ny.gov\)](#) no later than April 24, 2024. Prospective bidders may obtain a hardcopy of the questions and answers upon request.

New York State Office of Temporary and Disability Assistance
Bureau of Food and Nutrition Policy
Attn: Joyel Richardson
Email: Joyel.Richardson@otda.ny.gov

Proposal Submission and Due Date

All proposals must be submitted via the New York Statewide Financial System at: [The Statewide Financial System of New York \(ny.gov\)](#) and be received no later than 3:00 p.m., May 10, 2024. **Once the deadline has passed, the Statewide Financial System will no longer accept applications.** OTDA will conduct a thorough review of each application submitted. Eligible applicants should complete and submit answers to all questions, and submit all required forms outlined in this RFP. Failure to submit all required forms and answer all required questions may adversely affect the proposal's competitive score or make the proposal ineligible. OTDA is not responsible for any third-party error in the submission of proposals.

In the event it becomes necessary to revise any part of the RFP during the application submission period, an addendum will be posted on the OTDA website and the NYS Contract Reporter. It is the applicant's responsibility to periodically review the OTDA website and the NYS Contract Reporter to learn of revisions or addendums to this RFP. No other notification will be given.

Prequalification Requirement in the Statewide Financial System

Pursuant to New York State Division of Budget Bulletin H-1032, dated January 9, 2024, New York State has instituted a key reform initiative to the grant contract process which require not-for-profits to be Prequalified for proposals to be evaluated and any resulting contracts executed.

Proposals received from eligible not-for-profit applicants who have not been Prequalified by the proposal due date of 3:00 PM EST on May 10, 2024, will not be able to submit their bid response through SFS.

Please do not delay in beginning and completing the prequalification process. The State reserves 5-10 business days to review submitted prequalification applications. Prequalification applications submitted to the State for review less than 5 days prior to the RFP due date and time may not be considered. Applicants should not assume their prequalification information will be reviewed if they do not adhere to this timeframe.

Vendor Registration, Prequalification and Training Resources for Applicants

Note: For any application that does not contain all the required documentation and responses that were to be uploaded, please be advised that the application will be reviewed and scored as submitted. Points will be deducted for any incomplete responses, missing and/or inappropriately submitted documentation. It is the responsibility of the applicant to ensure, prior to submission that the application is appropriate and complete.

Each proposal submission through SFS is required to contain:

- Operating Budget
- Budget Narrative

All applicants must be registered with the New York Statewide Financial System (SFS) and all Not-for-Profit agencies must be prequalified prior to proposal submission.

Not-for-profit organizations must **Register** as a vendor in the Statewide Financial System and successfully **Prequalify** to be considered for an award.

This grant opportunity is being conducted as an SFS bid event. Not-for-profit vendors that are not prequalified can initiate and complete bid responses. However, not-for-profit vendors that are not prequalified will NOT be allowed to submit their bid response for consideration.

Detailed information on [Registration](#) and [Prequalification](#) is available on the Grants Management website. An overview is provided below.

Register as an SFS Vendor

To register an organization, send a complete [Grants Management Registration form for SFS Vendors](#) and accompanying documentation where required by email to: grantsreform@its.ny.gov. You will be provided with a Username and Password allowing you to access SFS.

Note: New York State Grants Management reserves 5-10 business days from the receipt of complete materials to process a registration request. Due to the length of time this process could take to complete, it is advised new registrants send in their registration as soon as possible. Failure to register early enough may prevent potential applicants from being able to complete an application on time.

If you have previously registered and do not know your Username, please contact the SFS Help Desk at (855) 233-8363 or at Helpdesk@sfs.ny.gov. If you do not know your Password, please click the [SFS Vendor Forgot Password](#) link from the main log in page and follow the prompts.

Prequalifying in SFS

- Log into the SFS Vendor Portal.
- Click on the Grants Management tile.
- Click on the Prequalification Application tile. The Prequalification Welcome Page is displayed. Review the instructions and basic information provided onscreen.
Note: If either of the above referenced tiles are not viewable, you may be experiencing a user role issue. Contact your organization's Delegated Administrator and request the Prequalification Processor role.

- Select the Initiate a Prequalification Application radio button and click the Next button to begin the process. Starting with **Organization Information**, move through the steps listed on the left side of the screen to upload **Required Documents**, provide **Contacts** and **Submit** your Prequalification Application.

Note: If the initiate Prequalification Application radio button is not available, your organization may have already started a prequalification application and could even be prequalified. Click on the Version History link to review your organization's prequalification status. If you are not currently prequalified, or your prequalification expires prior to the due date of this RFP, you will need to choose to *collaborate* on or *update* your application.

- System generated email notifications will be sent to the contact(s) listed in the Contacts section when the prequalification application is Submitted, Approved, or returned by the State for more information. If additional information is requested, be certain to respond timely and resubmit your application accordingly.

Note: New York State reserves 5-10 business days from the receipt of complete Prequalification applications to conduct its review. If supplementary information or updates are required, review times will be longer. Due to the length of time this process could take to complete, it is advised that not-for-profits prequalify as soon as possible. Failure to successfully complete the prequalification process early enough may result in a grant application being disqualified.

Specific questions about SFS should be sent to the SFS helpdesk at helpdesk@sfs.ny.gov.

On Demand Grantee Training Materials

A recorded session with information about the transition to SFS is available for Grantees on the Grants Management website – <https://grantsmanagement.ny.gov/> and in SFS Coach.

The following training material focused on grants management functionality is currently available in SFS Coach:

- An [SFS Vendor Portal Access Reference Guide.pdf \(ny.gov\)](#) to help Grantees understand which Grants Management roles they need in the SFS Vendor Portal based on the work they are currently involved in.
- A [Grantee / Vendor User Manual \(ny.gov\)](#) which provides screenshots and step-by-step guidance on how to complete grants management related tasks in SFS.
- On-demand recorded training videos focused on each aspect of the Grants Management business process.

Agencies can view vendor training material in SFS Coach by selecting **SFS Training for Vendors** from the topic drop-down list.

RFP Timetable

- RFP Release Date – April 9, 2024
- Deadline Date for Questions – April 17, 2024, by 5:00 pm
- Responses to Questions Posted – April 24, 2024
- Proposal Due Date – May 10, 2024, by 3:00 pm
- Date of Notification of Award – July 15, 2024
- Contract Start Date – October 1, 2024
- Contract End Date – September 30, 2029

Agency Rights

OTDA reserves the right to:

- Amend the specifications of this RFP, prior to application opening.

- Negotiate with applicants the requirements of this RFP regarding the scope of work to serve the best interests of the State.
- Seek clarifications and revisions of applications.
- Use applicant information obtained through site visits, reporting, and management reviews; voucher submissions; State investigation of an applicant's qualifications, experience, ability, or financial standing; and any material submitted by the applicant in response to the agency's request for clarifying information, during evaluation and/or selection under this RFP.
- Conduct contract negotiations with the next responsible applicant should negotiations be unsuccessful after a reasonable amount of time, unless otherwise agreed to by the parties.
- Award grants based on geographic location(s) or regional considerations to serve the best interests of the State, including awarding contracts to responsible entities that score fewer points than others, to maximize statewide coverage of geographic areas with high incidences of food insecurity and obesity-related chronic disease; and
- Make as many or as few awards, or refrain from making any awards under this RFP and/or determine that a new solicitation is necessary.

II. Summary of the RFP

Program Authority

The NYS Supplemental Nutrition Assistance Program Nutrition Education and Obesity Prevention Direct Services Program (hereinafter SNAP-Ed III DS), is funded by the United States Department of Agriculture (USDA) and administered jointly by the Federal Food and Nutrition Services (FNS) and OTDA. The program is authorized by Section 241 of the Healthy, Hunger- Free Kids Act of 2010 (HHFKA) and the SNAP: Nutrition Education and Obesity Prevention Grant Program Final Rule (the Final Rule). The Final Rule adopts the amended interim rule published April 5, 2013, to implement the SNAP-Ed provisions of the HHFKA. The rule also implements a provision of the Agricultural Act of 2014 to authorize promotion of physical activity in addition to promotion of healthy food choices. The SNAP-Ed III DS program utilizes a variety of obesity prevention strategies, including policy, system, and environmental approaches (PSE), to facilitate voluntary adoption of healthy nutrition and physical activity behaviors conducive to the positive health and well-being of individuals eligible for SNAP and other means-tested Federal assistance programs. The program is operated in accordance with USDA SNAP-Ed Plan Guidance and SNAP-Ed Guiding Principles.

Program Goals and Objectives

Food insecurity is an indicator for poor nutrition and poor health. Research indicates that food insecure populations are less likely to eat a healthy diet composed of vegetables and fruit and more likely to choose unhealthy foods and beverages compared to food secure populations. The SNAP-Ed program is designed to assist and encourage SNAP recipients and persons eligible for SNAP (hereinafter referred to as the SNAP population) to choose healthy diets and active lifestyles through the provision of behaviorally focused nutrition education and obesity prevention activities.

The program has ten objectives, five of which are nutrition related and five that are related to food insecurity and hunger.

The five **nutrition-related** objectives designed to improve health among the SNAP population include:

1. Increase the consumption of nutrient dense fruits and vegetables, whole grains, lean meats, and low-fat dairy products.

2. Decrease the consumption of sugar-sweetened beverages and low-nutrient, high-energy dense foods containing large amounts of added sugars, salt, and saturated fat.
3. Increase physical activity and reduce sedentary behaviors.
4. Expand access to SNAP-Ed programming.
5. Improve knowledge skills and abilities of SNAP-Ed workforce.

The five objectives related to **food insecurity and hunger** that are designed to improve health among the SNAP population include:

1. Improve food resource management skills.
2. Improve food preparation skills.
3. Increase access to affordable and nutritious food.
4. Increase SNAP-Ed activities in areas of need.
5. Improve the SNAP-Ed workforce.

The overarching goal of all SNAP-Ed activities is to promote health and prevent and/or postpone the onset of diet-related chronic disease among the SNAP population by providing nutrition education and obesity prevention services. The NYS SNAP-Ed III DS program uses the USDA Thrifty Food Plan as a guide to assist the SNAP population to meet recommended fruit and vegetable recommendations in the U.S. Dietary Guidelines.

Note: USDA issues SNAP-Ed Plan Guidance annually. Should goals and objectives of SNAP-Ed change, selected provider agencies will be expected to make program adjustments to ensure alignment with federal guidance.

Purpose of the RFP

The New York State Office of Temporary and Disability Assistance (OTDA) is committed to improve the likelihood that the SNAP population will make healthy choices within a limited budget and choose physically active lifestyles. This RFP seeks to leverage the services of not-for-profit organizations to provide direct services that can assist OTDA in addressing the goals of its SNAP-Ed program. Provision of Direct Services addresses the nutrition needs of food insecure populations at risk of obesity-related chronic disease by providing specific behaviorally focused nutrition education and obesity prevention activities. OTDA will award **multiple** contracts for direct services as part of this RFP.

IMPORTANT NOTE: Applicant organizations may choose to bid on Technical Assistance and Direct Services; however, a separate and complete application must be submitted for each. ***Do not combine the applications into one or reference one bid from the other.***

Available Funds/Award Amounts

Approximately \$20,000,000 in annual Federal funding is being made available to multiple organizations across the State to support the delivery of Direct Services for a 12-month period beginning October 1, 2024. It is expected that the maximum award amount for Direct Service providers will be \$1,000,000. Note: a lead agency in a consortium may request up to \$1,500,000 annually. Additional information on consortiums is explained later in the RFP.

SNAP-Ed funds are available each federal fiscal year and are intended to support that annual period of performance. A period of performance is defined as the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions, or budget periods. (2 CFR 200.77). Contracts under this RFP will have five periods of performance. The periods of performance for this RFP are as follows:

- 10/1/24-9/30/25
- 10/1/25-9/30/26
- 10/1/26-9/30/27
- 10/1/27-9/30/28
- 10/1/28-9/30/29

Award amounts for the initial and any subsequent periods of performance are annual amounts and contingent on the continued availability of Federal funding and USDA approval. During the contract term, an award balance at the end of a period of performance cannot be carried over to a subsequent period of performance, however, provider agencies will have up to two years to claim expenditures for an annual period of performance before the funds expire. Annual awards beyond the initial 12-month period of performance are contingent upon satisfactory contractor performance and the continued availability of Federal SNAP-Ed funding. Catalog of Federal Domestic Assistance (CFDA) title and number: 10.561, Supplemental Nutrition Assistance Program (SNAP). Should SNAP-Ed funding decrease, OTDA reserves the right to decrease annual award amounts for provider agencies based on performance, need, and availability of funding.

Example: SNAP-Ed III Provider A is awarded \$1,000,000 for FFY25 and enters a sub-contract with provider B to provide training during FFY25 period of performance. Provider A does not receive an invoice from Provider B until FFY26. Provider A may seek reimbursement from OTDA in the second year since the costs were incurred in the first year period of performance. Provider agencies cannot carry the balance forward into a subsequent period of performance to support expenditures. The expectation is that budgets will be based on annual expenses and that selected providers will incur expenses up to the total award amount in the period of performance it was issued. Costs must be obligated in the first year of the Federal Fiscal Year (FFY) but may be claimed within the two-year grant period.

Awards for Direct Services will be made based upon the: need for SNAP-Ed in relationship to county poverty, SNAP, and obesity rates as well as availability of other local nutrition programming; the overall quality of proposals submitted; and total funds requested. OTDA expects to make up to twenty (20) awards statewide.

OTDA reserves the right to award contracts to responsible entities that score fewer points than others to satisfy the goal of assuring statewide coverage in geographic areas with high incidences of poverty, food insecurity, and obesity-related chronic disease and lower availability of nutrition and obesity prevention programming. Given this stipulation, a proposal with a lower score may be selected over a higher scoring proposal when the lower scoring proposal serves a geographic region with greater need.

Should additional funds be made available to support this RFP, OTDA reserves the right to make awards in excess of the amount listed above. In the event the amount requested by selected organizations exceeds the amount available, OTDA will reduce the award amounts to stay within the overall funding limit. Necessary award reductions may be achieved by a proportionate decrease across all selected proposals, or by reducing the requested award amount(s) of lower scoring proposals.

Contract Period (Multi-Year)

This RFP governs contracts for five periods of performance over a five-year cycle starting October 1, 2024, and ending September 30, 2029. Each annual period of performance will begin on October 1 and end on September 30. Costs must be obligated in the fiscal year for which the funds are made available but may be claimed within the two-year grant period. For

example, Provider A executes a sub-contract with provider B to provide training during FFY25 but does not receive an invoice until FFY26. Provider A may seek reimbursement from OTDA in the second year since the costs were incurred in the first year. At the discretion of OTDA, this multi-year cycle period may be shortened if it is determined that significant modifications to the program structure are necessary. A rate increase request may be considered at the start of each period of performance based on availability of federal funds, contractor performance, activity expansion, and/or State needs assessment. Any increase must have the approval of USDA, as well as the New York State Office of State Comptroller (OSC) and Division of Budget. OTDA desires to engage the services of organizations that are successful in helping the SNAP population make healthy purchases and positive changes related to nutrition and physical activity as outlined in this RFP and may terminate contractors or initiate contract modifications to reduce award amounts of those projects that are not making progress in fulfilling the performance of this initiative.

Eligible Applicants

Organizations eligible to apply for funding under this initiative are limited to non-profit organizations with experience delivering health and human service programs. For-profit entities are excluded from applying for funding under this initiative. Preferred applicants will be organizations who can demonstrate experience: successfully implementing nutrition education and obesity prevention programming as outlined in this RFP; and providing direct leadership, management, and oversight for activities as outlined in this RFP.

Applicants are encouraged to consider collaborating with other experienced providers to establish a consortium of services that will best meet the direct service component of this RFP. As agency capacity and experience implementing comprehensive nutrition education and obesity prevention services is critical to successfully achieving the goals of this RFP, OTDA encourages applicant organizations who lack agency management capacity or experience, to collaborate with stronger and more experienced organizations who can demonstrate a history of successful management, fiscal responsibility, and implementation of SNAP-Ed programming.

Applicants proposing a consortium-based approach must designate one of the applicant entities as the lead for the consortium and must include in the application a description of the roles and responsibilities of the lead applicant and each co-applicant. Formal contracts between the lead applicant and its members must be developed to outline individual responsibilities and payment terms. The consortium members must indicate unanimous understanding and commitment to program goals for the life of the contract. Priority points will be awarded to any application that is submitted on behalf of a consortium. For purposes of the SNAP-Ed III DS RFP, a consortium is defined as a group of at least three not-for-profit organizations. Selected consortiums can request up to \$1,000,000 in federal SNAP-Ed funds per year for each organization that is part of the consortium. The lead organization may request up to \$1,500,000 annually to support costs associated with delivering Direct Services and oversight of consortium organizations.

Nonprofit applicants must be registered and in good standing with the Charities Bureau of the Attorney General's Office, and have a Vendor Responsibility Profile available and current on OSC's VendRep System at: <http://www.osc.state.ny.us/vendrep/index.htm>. All nonprofits are subject to the Prequalification Requirement in the Statewide Financial System.

Ineligible Applicants

Organizations currently in receipt of funding for the Just Say Yes to Fruit and Vegetables (JSY), Eat Well Play Hard in Child Care Settings (EWPHCCS) program, Creating Healthy Schools and Communities (CHSC), or Senior Health Improvement and Nutrition Education (SHINE) may not apply for this RFP for the purpose of supporting or augmenting activities funded under these programs.

Organizations who are in receipt of SNAP-Ed funding for any of the above programs and who apply for this RFP, for the sole purpose of supporting distinctly different activities allowable under this RFP, will be required to submit a Funding Attestation Form outlining the source and level of funding as well as provide additional budget and staffing information specific to those programs upon request.

Part B: Direct Services

I. Background

Direct Service Components

OTDA is seeking applications from qualified organizations with experience serving food-insecure populations at risk of obesity-related chronic disease to deliver the following direct services:

- conduct nutrition education and obesity prevention program activities (hereinafter referred to as **program activity**) for eligible adults and youth residing in NYS; and,
- conduct policy, system, and environmental activities (hereinafter referred to as **PSE activity**) at locations where program activities are being implemented and in low-income communities in NYS.

II. Direct Service Requirements

Documentation of Need

Applicants are required to submit a needs assessment that documents the need for SNAP-Ed Direct Services in the local 'area to be served'. The needs assessment must be valid, and data driven. The needs assessment must describe:

- 1) population-based food insecurity, health, and diet-related/nutrition characteristics of the local SNAP population, including poverty rate, SNAP redemption, food insecurity, nutrition related chronic disease and obesity.
- 2) nutrition, physical activity, and obesity prevention needs of the local SNAP population, including barriers to accessing healthy foods and engaging in physical activity.
- 3) the SNAP population to be served, including high-need and priority populations.
- 4) nutrition education and obesity prevention services already taking place in the area to be served; and,
- 5) how proposed program and PSE activities will meet an 'unmet need' for the SNAP population and area to be served.

Applicants that do not submit a needs assessment will not be reviewed. Applicants presenting NYS-level data only will not receive full points for this section.

Participant Eligibility and Qualifying Locations

Eligibility

Individuals eligible to participate in SNAP-Ed programming and PSE activities must be in receipt of SNAP benefits or eligible to receive SNAP.

- an individual eligible for SNAP and or other means-tested programs such as Temporary Assistance for Needy Families (TANF); Supplemental Security Income (SSI); Medical Assistance (Medicaid); the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); free and/or reduced-price school meals, or
- a member of a household with gross family income that does not exceed the current annual and monthly standard of 185% of the federal poverty rate.

Persons typically not eligible for SNAP, such as incarcerated persons, residents of nursing homes, boarders, or certain college/university students, are ineligible for SNAP-Ed.

Qualifying Locations

Certain agencies are known to serve a SNAP population and these agencies should be targeted for direct nutrition education activities. These agencies include Social Service Districts (districts), SNAP/TANF Job Readiness Training Program sites, federally funded community-based health centers, public health offices, low-income community centers, public housing and OTDA-funded supportive housing for families (<https://otda.ny.gov/programs/housing/>), low-income schools where at least 50% of children receive free and reduced price meals, and summer meal sites.

Other priority locations located in census tracts where at least 50% of persons have gross incomes that are equal to or less than 185% of the poverty threshold may be identified for activities, including grocery stores and Farmers Markets that accept SNAP and/or WIC and demonstrate significant patronage by low-income individuals and families. Applicants must provide a listing of the qualifying locations that will be targeted during the year.

Certain NYS and Federally funded nutrition programs conduct activities similar to SNAP-Ed. These programs include, but are not limited to, WIC, Head Start, Child and Adult Care Food Program, Just Say Yes to Fruits and Vegetables, Eat Well Play Hard in Child Care Settings, Senior Farmer's Market Nutrition, Healthy Schools and Communities, Family Nutrition Education, 4-H, and Congregate Nutrition. Site locations receiving nutrition programming as part of one of these programs would be ineligible for SNAP-Ed unless an OTDA approved Memorandum of Agreement (MOA) is in place with the administering agency that specifies a specific arrangement for SNAP-Ed and that attests to no duplication of service and/or supplanting of funds related to the proposed SNAP-Ed activity.

Targeting Services to Eligible SNAP Populations

The primary target population is SNAP recipients and their families. A secondary target population is low-income individuals at or below 185% of poverty. OTDA requires that SNAP-Ed activities be delivered in a way that maximizes the numbers of SNAP recipients reached.

Applicant agencies must describe the method they will use to target services to SNAP recipients and SNAP population. Methods should include referrals from districts, direct marketing to SNAP recipients, and referral of groups from qualifying locations and partner agencies serving a SNAP population.

Applicants are required to identify the number of the SNAP population to be reached broken out by age, SNAP eligibility, type of service and site location.

Targeting Services to High Need Populations

Many low-income individuals and families in NYS face social and economic barriers to nutrition and health and live in communities that are disproportionately affected by poverty. As a result, poverty, child poverty, food insecurity, and obesity-related chronic disease in some areas of the State can exceed national and state averages. Applicants must demonstrate a specific plan to target services to high need populations in all the counties to be served. This plan should outline how the applicant agency will coordinate with other service agencies to coordinate delivery of activities to high need populations.

Individuals living in NYS Indian Tribal Organizations are also considered a high need population. Organizations with experience working with NYS tribal organizations are encouraged to apply. Applicants proposing to conduct services on Indian reservations must demonstrate that they have coordinated with tribal leaders regarding need and services to be offered. Priority points will be given to organizations who plan to serve individuals living in NYS Indian Tribal Organizations.

Coordination with Districts

Districts administer programs on behalf of low-income individuals and families, including SNAP, TANF, Medicaid, SSI, Home Energy Assistance Program, Refugee Services, Child Support, Child Welfare, Domestic Violence, Foster Care, Summer Youth Employment, and Shelter Services. Applicants are required to work with districts to target services to the SNAP population. Visit: <https://otda.ny.gov/workingfamilies/dss.asp> for a listing of district offices.

A letter of support from each district in the counties to be served is required. This letter should outline how the applicant agency will coordinate with the districts to ensure the maximum number of SNAP recipients are reached. Successful partnerships with districts include lessons focusing on Eating Healthy on Budget with SNAP; arranging digital and web-based nutrition classes for SNAP recipients; coordinated outreach and referral for group classes and community obesity prevention events; and provision of SNAP-Ed social marketing materials for district offices. Applications that do not submit the required letters of support and are selected to operate a program, will be required to provide a letter(s) of support during contract negotiations, failure to do so may result in contract termination.

Selected organizations agree to provide informational materials to SNAP-eligible populations regarding how to access the Supplemental Nutrition Assistance Program benefits available to low-income households in NYS and agree to display and/or distribute materials developed by OTDA. OTDA will provide directions to each selected contractor regarding the informational materials necessary to accomplish this goal.

Program Activity Description and Requirements

Program activities targeting adults and youth fall under three (3) primary categories:

- Direct Education
- Indirect Education
- Program Outreach and Reinforcement

For this RFP, the following definitions apply:

Direct education – A nutrition education class delivered to a SNAP population using an evidence-based curricula approved for use in NYS. The participant is actively engaged with a nutritionist and/or teacher in a learning process during direct education.

Indirect education – The distribution, display, and communication of information and resources as part of an intervention, may include mass communications, public events (such as tables at health fairs), material distribution and direct mailings, and social marketing.

Nutritionist – A person with education (associate degree or above) in nutrition, dietetics, community and behavioral health, health education, public health, or nursing. Includes persons certified as RD, RDN, CCN, CNS, and RN as well as other individuals with college level coursework in nutrition and/or health education with training and experience to communicate nutrition and obesity prevention topics.

SNAP-Ed Evaluation Framework – a set of 51 indicators used to measure the success of SNAP-Ed program implementation. Framework indicators are accessible at: <https://snaped.fns.usda.gov/program-administration/snap-ed-evaluation-framework>.

Applicants for Direct Services are required to upload a mandatory SNAP-Ed Project Description which summarizes important details of the application and the activities for which funding is being requested. Applicants who fail to submit the SNAP-Ed Project Description will not be reviewed. A blank SNAP-Ed Project Description form can be found on page 48 of this RFP. The table includes the following key application elements:

Applicant Name
Background
List of Program Activities with SNAP-Ed Framework Indicators
List of PSE Activities with SNAP-Ed Framework Indicators
List Subcontractors/Partners
Curriculum
List of Other Indirect Education and/or Social Marketing
Project Outcomes

Applicants will be required to provide more detail on Program and PSE activity components, delivery methods, goals and reach in the application proposal narrative. Maximum points will be awarded to applicants based on the comprehensiveness and detail of activities proposed. Applicants may choose from the following list of allowable activities.

Direct Education

Food insecurity is an indicator for poor nutrition and poor health. Research indicates that food insecure populations are less likely to eat a healthy diet composed of vegetables and fruit and more likely to choose unhealthy foods and beverages compared to food secure populations. The SNAP-Ed program is designed to assist and encourage the SNAP population to choose healthy diets and active lifestyles through the provision of behaviorally focused nutrition education and obesity prevention activities. All activities must be delivered in a way that achieves the program goals. Contractors will be expected to use the USDA Thrifty Food Plan as a guide for communicating to the SNAP population how a household can purchase a wide variety of fruits and vegetables on a limited budget to meet the U.S. Dietary Guidelines for Americans.

- 1) Nutrition Class Series (Adults)** – Behaviorally-focused group nutrition education class of at least 20 minutes delivered as a series of at least 2-4 classes. Class is led by a nutritionist, a nutrition assistant and/or another qualified individual using [SNAP-Ed Library | SNAP-Ed \(usda.gov\)](#) approved interventions curricula. The goal is to improve knowledge and skills related to nutrition and obesity prevention; food resource management; shopping on budget and preparation of low-cost, nutrient-dense recipes; making healthy choices when dining out; and benefits of physical activity. A behaviorally focused food

demonstration to improve skills related to preparing low-cost, healthy food is allowed. The food demonstration is a “how to” presentation that involves instruction about ingredient selection, recipe preparation, nutrition, and health benefits of the recipe. Sample tastings are allowed for food demonstrations. Participant involvement for food demonstration is preferred. All classes delivered at priority site locations. Accompanying SNAP-Ed information and resource table is encouraged. **Minimum: 10 series a year.**

- 2) Nutrition Class (Adults)** – Behaviorally-focused group nutrition education class of at least 20 minutes delivered as a single session. Class is led by a nutritionist, a nutrition assistant, or other qualified individual using [SNAP-Ed Library | SNAP-Ed \(usda.gov\)](#) approved interventions curricula. A food demonstration is allowed for lessons that cover topics related to planning and preparing low-cost, healthy food. A food demonstration must be a “how to” presentation that involves instruction about ingredient selection, recipe preparation, nutrition, and health benefits of the recipe. Participant involvement in food preparation is preferred. Sample tastings are allowed for food demonstrations. All classes delivered at priority site locations. Accompanying SNAP-Ed information and resource table is encouraged.
- 3) Guided Store Tours (Adults)** – Group store tour using Cooking Matters at the Store for Adults to teach food shopping skills related to comparing unit prices, reading food labels, and selecting healthy, low-cost produce, meat, and dairy. The intervention consists of a store tour led by trained staff. Applicant agency is responsible for all training related to guided store tours. Preferred activity for all new SNAP participants to provide important skills related to buying healthy food on a budget and maximizing SNAP benefits. SNAP incentive checks and Cooking Matters store cards are allowable but cannot be paid for with SNAP-Ed funding.
- 4) Retail and Farmer’s Market Food Demonstrations (Adults)** – Food demonstrations to promote healthy and economical food planning, purchasing, preparation, and consumption. Led by trained staff, the food demonstration must be a “how to” presentation that involves instruction about ingredient selection, recipe preparation, nutrition, and health benefit of the recipe. Sample tastings are allowed. Farmers’ Market food demonstrations must be: 1) held at markets with high SNAP benefit redemption; 2) coordinated with the NYS Farmers Market Federation and market manager; and 3) utilize low-cost, seasonal fresh produce. Please note: SNAP-Ed funding cannot be used to fund SNAP incentive checks.
- 5) Classroom-Based or After-School classes (youth) (Single or Series)** – Classes are led by a certified teacher, nutritionist or a nutrition assistant using approved curriculum, including a physical activity demonstration. Class topics include, but are not limited to, nutrition and obesity prevention, USDA myPlate and portion sizes, how to read food labels, and common sources of added sugars. Applicants must utilize approved curricula for youth. All classes delivered in elementary school grades must offer one direct education class targeted to parents and/or caregivers. The following locations are priority sites for youth classes: schools where at least 50% of children receive free and reduced priced meals as determined by the New York State Department of Education; low-income community youth centers, after-school, and summer programs; USDA summer meal sites; and supported housing for families and youth aging out of foster care.

Note: Interventions are updated periodically. A list of approved interventions for SNAP-Ed can be found here: <https://snaped.fns.usda.gov/administration/evidence-based-SNAP-Ed-interventions>.

Indirect Education

- 1) **Nutrition Events** – Events are designed to raise awareness of the importance of health and nutrition in preventing obesity. Events are engaging, provide educational displays, and demonstrate nutrition and wellness behaviors. Coordinated events may include hosting event located in low-income community and/or at priority site location or participating in a partner agency or community event. Agency is responsible for determining appropriate staff resources for event activities. Events strategies include: 1) coordinated event promotion; 2) informational table displays and/or school assembly; 3) engaging nutrition education or obesity activity; 4) materials distribution and social marketing; and 5) (optional) food demonstrations. During National Nutrition Month (March), applicants are expected to coordinate events with community partners around a campaign theme that support NYS SNAP-Ed goals. The Academy of Nutrition and Dietetics, USDA Team Nutrition, and National Institute for Health are recommended sources of information for organizing coordinated events. The following USDA approved campaign theme topics may be used: Rethink Your Drink; Fun, Food and Fitness; We Can: *Go, Slow, Whoa!* Pick a Better Snack; Eat Together, Eat Better; and Harvest of the Month. Contractors agree to participate in partner agency events arranged by OTDA.
- 2) **Social Media and Digital Nutrition Applications/Tools** – Websites, learning videos, pod casts, and other applications that are designed to increase knowledge and change behavior by making nutrition education and obesity prevention more accessible for hard-to-reach eligible populations. Preferred topics focus on shopping on a budget, healthy meal planning on a limited budget, and other USDA MyPlate topics. Coordination with districts and other partner agency serving the SNAP population is required to determine targeting and distribution for videos and applications. Applicants will be required to track and monitor distribution of videos and other nutrition applications as well as document participant use, understanding, and intent to change behavior using survey methods.
- 3) **Distribution of Nutrition Education and Obesity Prevention Print Materials** – Provision of USDA SNAP-Ed print materials developed for the SNAP population, including SNAP MyPlate Tip sheets. The goal of material distribution is to raise awareness of the importance of health and nutrition in preventing obesity related chronic disease. Materials must be made available to all districts in the region to be served. Agencies should coordinate with districts to determine the education materials to be provided, the appropriate quantity to be distributed, and the timing of distribution, including method of any direct mail to SNAP recipients.

Allowable Program Outreach and Educational Reinforcement

- Agency Program Presentations** – A presentation to recruit new partner agency or provide annual overview to existing partner(s) on a direct education activity. Focuses on an: a) synopsis of agency and intervention; b) purpose and goals of intervention; c) intervention strategy, partnership, and referrals; d) roles and responsibilities; e) demonstration of activity; f) training and technical assistance; and g) intervention monitoring. Conducted annually by qualified staff.
- 4) **Distribution of Nutrition Education Reinforcement Items (NERI)** – Distribution of nutrition education reinforcement items are optional. If used, reinforcement items are for educational reinforcement only. Items must have a direct relationship to program activity objectives, cost \$5.00 or less, and be necessary. All quantities purchased must correlate with participant reach, directly support class lesson, be given only to participants, communicate a nutrition message, and display the USDA funding statement as size permits. One per participant. Bundling of items, advertising of items, and using items as

reward or incentive is prohibited. The following is a list of (common) allowable nutrition education reinforcement items.

Meal Planning	Shopping list, small calculator, reusable market bag
Meal Preparation	Vegetable scrubber/peeler, small colander, measuring spoons/cups, slotted spoon, spatula, whisk, apple corer, cutting mat
Healthy Beverage	Citrus strainer, diffuser, water bottle
General	Jar opener, refrigerator magnet, USDA approved nutrition magazine/calendar, stickers (youth), wrist bands (youth)
Physical Activity	Stretch band, pedometer, jump rope

- 5) **Program Outreach, Calendars Events, and Client Newsletters** – Print materials designed to raise awareness of program activities, time and location of activities, and organization contact information. All materials are designed for SNAP population and partner agency distribution. Materials for SNAP population distribution should comply with standards for SNAP-Ed core messaging, limited literacy, and language barriers. Materials may be distributed using the following methods: flyers, brochures, posters; direct mail; social media and other electronic; local and community newspapers; and partner agency newsletters, flyers, and brochures designed for program participants. Articles for agency publications, annual reports for executive staff or boards of directors, or general newsletters is not program outreach.

PSE Description and Requirements

Community settings play a large role in promoting or inhibiting healthy behaviors. PSE initiatives are a set of comprehensive activities that support sustained behavior change. PSE initiatives promote and institute policies and activities that address barriers that make healthy food and physical activity choices harder for the SNAP population to put into action.

PSE Program Strategies

Applicants are required to implement at least one (1) PSE strategy in each county/ region to be served, such as multilevel interventions and community and public health approaches in addition to individual or group-based (direct) nutrition education. Selected providers will be required to monitor and track key initiative objectives using the SNAP-Ed and RE-AIM frameworks. RE-AIM training can be accessed online at: [Environmental Settings – Evaluation Framework | SNAP-Ed \(usda.gov\)](https://www.usda.gov/food-education-and-promotion/re-aim). Applicants may choose from the following list of PSE initiatives.

- a. **SNAP Healthy Retail** – This PSE initiative provides technical assistance to SNAP authorized retailers to focus on the strategic placement, pricing, promotion, and marketing of healthy foods. The goal is to increase access to and purchase of healthy foods among the SNAP population. Key objectives are a) retail recruitment; b) retail assessment and feedback; c) retail training on nutrition and behavioral economics; d) inventory and display improvements; e) social marketing; and f) monitoring and sustainability. SNAP-Ed retail social marketing must support USDA core messaging and may include signage, shelf talkers, and window decals. Small equipment for the purposes of fruit and vegetable placement may be provided, including minor shelving and/or small display baskets. Large equipment and infrastructure are prohibited. Public/private partnerships are encouraged for initiative success. In NYC, applicants must demonstrate coordination with the NYC Office of Food Policy’s Shop Healthy program to prevent duplication of services. Initiatives should conform with FNS Healthy Corner Store Guide: [United States Department of Agriculture Healthy Corner Stores \(usda.gov\)](https://www.usda.gov/food-education-and-promotion/healthy-corner-stores).

- b. **Fruit and Vegetable Prescription Initiative** – This PSE initiative promotes affordable access to fruits and vegetables and healthy eating in underserved communities through coordinated partnerships with a) Federally funded community-based health centers and/or other health providers serving the SNAP population; b) SNAP Outreach providers; and c) fresh produce retailers. The goal of the initiative is to address food insecurity and hunger, nutrition, and obesity among the SNAP population most at-risk for diet-related chronic disease. Key objectives are: a) recruitment of health care providers; b) health care training; c) provision of obesity prevention promotion materials to health care provider; d) patient food insecurity and diet-related chronic disease screening by health care provider; e) provision of prescription for fruit and vegetable consumption to target patient; f) target patient referral to local SNAP outreach organization for SNAP prescreening and application assistance 6) on-site or off-site nutrition class for target patient; and, g) monitoring and sustainability. Obesity promotion is the provision of SNAP-Ed nutrition education and obesity print materials for office and patient distribution. OTDA will provide food insecurity screening tool to contractors. A prescription for the purchase of produce must be provided to target patient. Partnerships with NYS Nutrition Outreach and Public Education providers for SNAP Outreach referral is required (<http://otda.ny.gov/programs/snap/providers/default.asp>).
- c. **Farm to Worksite or Community Site** – This PSE initiative aims to improve access and eliminate barriers to fresh produce for the SNAP population by coordinating a: a) farmers market, or b) food box distribution at priority site locations, including low- income school, partner agency, or worksite with a significant SNAP population. The goal of the initiative is to address food insecurity and improve nutrition by increasing access to fresh produce among SNAP population. Key objectives are a) recruitment of farmer and identification of site location; b) training and technical assistance to farmer related to obtaining Electronic Benefit Transfer (EBT) machines to accept SNAP; c) training and technical assistance to site location; d) initiative promotion to SNAP population; e) nutrition education with food demonstration to SNAP population; and f) monitoring and sustainability. Please note: SNAP-Ed funding cannot be used to purchase produce or the SNAP incentive coupons. SNAP-Ed funding cannot be used for the purchase or delivery of food. Applicant agencies are encouraged to partner with the NYS Farmers' Market Federation to facilitate implementation and initiative promotion. Additional sources of financial support of initiative include the NYS Ag and Market Food Box program. Applicant agencies in receipt of funding from NYS Ag and Market will need to identify the amount of funding in the application.
- d. **School Wellness** – This PSE initiative provides training and technical assistance to low-income schools where coordinated interventions are being delivered. Preferred coordinated interventions for youth include Coordinated Approach to Child Health (CATCH)). The goal of this PSE intervention is to promote healthy eating and physical activity among children, staff, and families. Key objectives are a) school environment assessment; b) wellness policy development and implementation; c) nutrition and wellness staff training; d) obesity prevention promotion, including events at back-to-school nights and school health fairs; and e) monitoring and sustainability. The applicant agency is responsible for arranging all training related to CATCH. A Memorandum of Agreement with school(s) is required to document school eligibility, prevent duplication of other State and Federal funded school wellness interventions, and outline initiative components to be achieved during the year. Applicants are responsible for working with the NYS Department of Education to identify schools most in need of this service. (<http://www.cn.nysed.gov/contact>).
- e. **Smarter Lunchroom** – This PSE initiative provides training and technical assistance to schools to redesign school lunchrooms. The goal of the initiative is to increase number of students that select fruit and vegetables and low-fat dairy. Key objectives are a) recruit

schools; b) provide technical assistance and training to school staff; c) incorporate Smarter Lunchroom strategies into school wellness policy; d) implement low-cost and no-cost solutions related to healthy lunchroom environment; e) promote SNAP-Ed core nutrition topics; and f) monitor and promote sustainability. Monitoring must include methods to track school solutions and effects on student food selection and consumption. The applicant agency is responsible for arranging all training related to Smarter Lunchroom. Applicants are responsible for working with the NYS School Nutrition Association to promote the availability of this program activity.

- 2) **Peer-Led Obesity Prevention**– This PSE involves a middle and/or high school-based, peer-led nutrition education and obesity prevention. The goal is to encourage healthy eating and physical activity among low-income high school students. Key objectives are: 1) nutrition education training and technical assistance for peer-leaders to facilitate effective peer-led interactions aimed at exerting social influence in school setting; 2) provision of obesity prevention promotion materials related to: a) reduction of sugar sweetened beverages; b) making half plate fruit and vegetables; and, c) reducing sedentary behaviors and screen-time; and, 3) social marketing and media using campaign themes during school year. Applicants are responsible for working with the NYS School Nutrition Association to promote the availability of this program activity.
- 3) **Community Obesity Prevention Training** – Led by a nutritionist, this PSE involves providing nutrition education and obesity prevention training to partner agency and local human services staff. The goal is to encourage partner agencies working with SNAP population to become role models and SNAP-Ed champions for change. Key objectives are: a) identify and recruit partner agencies to receive annual training; b) Provide annual training to raise awareness of the importance of SNAP and SNAP-Ed to address food insecurity, hunger, and nutrition among SNAP population; c) provide technical assistance related implementation of key SNAP-Ed obesity prevention strategies for agency and SNAP population; and, d) provide obesity prevention promotion materials for partner agency distribution to the SNAP population.

PSE Program Planning

All contractors will be required to document implementation of PSE activities using the RE-AIM framework for program implementation. RE-AIM is a framework designed to enhance the quality, speed, and public health impact of efforts to translate research into practice in five steps:

- Reach your intended target population.
- Efficacy or effectiveness.
- Adoption by target staff, settings, or institutions.
- Implementation consistency, costs and adaptations made during delivery.
- Maintenance of intervention effects in individuals and settings over time.

Selected provider agencies must complete the web-based online RE-AIM training at: [Environmental Settings – Evaluation Framework | SNAP-Ed \(usda.gov\)](https://www.usda.gov/food-education-and-promotion/snap-ed/evaluation-framework).

Social Marketing: Applicant agencies may set aside up to fifteen percent (15%) of their annual budget for select social marketing campaigns. Under the direction of OTDA, the technical assistance agency will be responsible for developing annual SNAP-Ed social marketing campaigns. The technical assistance will be responsible for all elements of campaign development and implementation, including: 1) formative research; 2) documenting design and development using the SNAP-Ed Framework; 3) development of scope of work; 4) oversight and payment and 5) campaign reporting and evaluation.

The technical assistance agency may subcontract out work for elements that it cannot deliver on its own. The agency is responsible for obtaining OTDA approval of scope of work including campaign theme, message, and materials prior to implementation and placement. Submits required quarterly and annual reporting to OTDA and submits process and program evaluation of each campaign. All materials developed with SNAP-Ed funds are the property of USDA and OTDA.

A Social Marketing Campaign is defined as a coordinated set of communications delivered to one or more SNAP-Ed market segments to a particular population across a large geographic area. It is typically branded, communicates a common call to action, is delivered in multiple complementary settings and channels, and focuses on one or more priority behavior changes.

Social marketing emphasizes:

- Targeting an identified segment of the SNAP-Ed-eligible audience.
- Identifying and addressing needs of the target audience and potential barriers to behavior change.
- Interacting with the target audience to test the message, materials, approach, and delivery channel to ensure they are understood and likely to lead to behavior change.
- Adjusting messages and delivery channels through continuous feedback using evaluation data and target audience engagement.

Successful SNAP-Ed social marketing programs should be comprehensive in scope using multiple communication channels to reach target audiences with sufficient frequency and reach.

The advertising and public relations aspects of social marketing programs can reach SNAP-Ed-eligible audiences through a variety of delivery channels such as the following:

- Mass media (e.g., television, radio, newspapers, billboards, other outdoor advertising).
- Social media (e.g., social networks, blogs, user-generated content).
- Earned media (e.g., public service announcements, letters to the editor, opinion editorials, press conferences).
- Peer-to-peer popular opinion leaders (e.g., youth or parent ambassadors, local champions, celebrity spokespersons, faith leaders).
- Promotional media (e.g., point-of-purchase prompts, videos, websites, newsletters, posters, kiosks, brochures, educational incentive items).

Allowable Social Marketing

Allowable social marketing includes:

- Electronic, outdoor, indoor, transit, and print announcements of nutrition education and obesity prevention-related activities for the SNAP-Ed target audience
- Social and multimedia initiatives that are part of comprehensive interventions.
- Appropriate social marketing programs in which messages are delivered in areas, venues, or using communication channels where at least 50 percent of the audience is eligible for SNAP-Ed
- Social media, websites, and other digital content designed for, tailored to, and predominantly promoted to the SNAP-Ed target audience.
- Television and radio announcements/advertisements that do not include a brief message about SNAP, its benefits, and how to apply.

Unallowable Social Marketing

Unallowable social marketing includes:

- Social marketing that targets the general population. In some instances, prorated costs based on the number of the SNAP-Ed target audience that will be reached with the campaign may be allowed. FNS may consider alternate methods with justification.
- Publication or dissemination of nutrition education and obesity prevention messages that are inconsistent with the current DGA and MyPlate
- Television and radio announcements/advertisements that contain messages about SNAP, its benefits, and how to apply.

Please visit the social marketing page on SNAP-Ed Connection <https://snaped.fns.usda.gov/snap-ed-works/social-marketing> for additional information and examples of SNAP-Ed social marketing.

Program Evaluation and Reporting

All funded organizations are required to report on key Program and PSE activity objectives. Funded organizations will be provided access to the National Program Evaluation and Reporting System (N-PEARS) and the Program Evaluation and Reporting System (PEARS) for required SNAP-Ed reporting. N-PEARS will be used for annual reporting. Annual reports are a federal requirement and must be completed by each provider agency. Funded organizations will also be required to use PEARS to generate quarterly reports for OTDA. OTDA, in partnership with the contractor awarded funds for Technical Assistance Services, will provide training on the N-PEARS and PEARS reporting elements. Attendance to all report training is mandatory. Detailed information on reporting requirements can be found in the [SNAP-Ed Plan Guidance](#).

Civil Rights Training

Funded organizations will be required to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et. seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et. seq.), Section 504 of the Rehabilitation Act of 1973, the Food Stamp Act of 1977, as amended; all provisions required by the implementing regulations of the USDA (7 CFR Part 15); Department of Justice Enforcement Guidelines (28 CFR Parts 42 and 50.3); and Food and Nutrition Service (FNS) directives and guidelines to the effect that, no person shall, on the grounds of race, color, national origin, sex (including gender identity and sexual orientation), religious creed, disability, age, political beliefs, or reprisal or retaliation, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity funded by Federal financial assistance from USDA.

Agency contracted staff, and any frontline staff of subcontractors, will be required to attend annual training provided by OTDA and the administrative agency. All contractors will be required to compile data, maintain records, and submit reports as required, to permit effective enforcement of nondiscrimination laws and permit authorized USDA personnel during hours of program operation to review such records, books, and accounts as needed to ascertain compliance with the nondiscrimination laws. If there are any violations of this assurance, USDA, FNS, shall have the right to seek judicial enforcement of this assurance.

Part C: CONTRACT INFORMATION

Claims for Payment

Contractors will be required to submit claims for payments on a quarterly basis. Contractors will receive training on submission of claims and expense documentation, including required books, records, documents, and other evidence pertaining to documentation of Direct Services expenses incurred. All contractors are required to use the Statewide Financial System to submit claims. Payment for all claims will be made upon 100% satisfactory completion and approval by OTDA and the Office of the State Comptroller (OSC). Claims for Payment with incomplete information or inadequate documentation will be returned to the contractor.

Record Retention

All records pertaining to awards made under this funding opportunity including financial audits, budgets, plans/drafts, supporting documents, statistical records; etc., must be retained for a period of at least six (6) years following the submission of the final expenditure report. In the event any claim, audit, litigation, or State/Federal investigation is started before the expiration of the aforementioned record retention period, the records must be retained by both direct service and technical assistance contractors until all claims or findings regarding the records are resolved. OTDA shall have access to any records relevant to the project, including books, documents, photographs, and correspondence necessary to make audit, examinations, transcripts, and excerpts. If OTDA determines that such records possess long-term historic value, they must be transferred to OTDA.

Program Monitoring

Direct Service contractors will be monitored by OTDA on a regular basis throughout the term of the contract. Monitoring may include observational site visits, management reviews, as well as regular telephone contact. The goal of monitoring is to ensure that the terms of the Contracts are being met. In addition, monitoring enables OTDA to provide technical assistance, where necessary, to assist the contractor in meeting the terms of the contract. It is the responsibility of the contractor to monitor all subcontractors. Direct Service contractors will receive prior notification of a site visit and/ or management review. Following a site visit or management review, the contractor will receive a letter summarizing observance of operations and/or service delivery including any requests for program modification and corrective action. In addition, FNS monitors OTDA operations and use of SNAP-Ed funding. Should FNS be conducting a review that includes an analysis of a direct services contractor the contractor will be expected to engage in the review as needed. This may include but is not limited to, completion of questionnaires, participation in interviews, documentation requests and a site visit. Contractors will be notified in advance of an FNS review.

PART D: APPLICATION PROPOSAL FORMAT AND CRITERIA DIRECT SERVICES

I. Proposal Format

Proposals will consist of three parts – a technical section, a budget section, and a workplan. To ensure that all proposals are evaluated on the same basis, all components of the sections must be included. OTDA will establish a Review Committee, to evaluate the technical and budget sections of the proposals. Applicants should not assume that the reviewers are familiar with SNAP-Ed program, the applicant agency, or the programs they operate.

Applicants should review the RFP for the description of the services being sought and follow the proposal preparation guidelines. Several additional steps may take place to further evaluate proposals following the review of applications. These steps may include a telephone interview with the designated contact person at the agency, a request for additional written information or documentation, and/or communication with references.

II. Evaluation Process and Criteria

Proposals will be scored accordingly: Technical Section (72 points); Budget Section (18 points) and Work Plan (10 points). The evaluation process will abide by the following rules:

- A.** Applicant organizations must meet the prequalification requirements set forth in this RFP.
- B.** Proposals that fail to meet the requirements of the RFP may be disqualified after completing a full review.

III. Technical Section (72 points)

Points for program specific questions and related uploads will be allocated based on the quality with which the proposal addresses the following technical items:

Nutrition Education and Obesity Prevention (Maximum 8 points) – Proposal serves SNAP recipients or SNAP eligible adults and/or youth most at risk of poverty and obesity. Proposal: 1) describes population-based food insecurity health and diet-related /nutrition characteristics of the local SNAP population, including poverty rate, SNAP redemption, food insecurity, nutrition related chronic disease and obesity; 2) describes nutrition, physical activity and obesity prevention needs of the local SNAP population to be served, including barriers to access healthy foods and engaging in physical activity; 3) lists of nutrition education and obesity prevention services already taking place in the area(s) to be served; and, 4) describes how proposed program and PSE activities will meet and unmet need for SNAP population in area to be served, including assurance that all services will be coordinated to prevent duplication.

Target Audience (Maximum 8 points) – Proposal: 1) targets services to SNAP recipients and their families and high need populations; 2) describes in detail the methods that will be employed to reach SNAP recipients, high need populations, and other eligible for SNAP; and, 3) lists the qualifying locations that will be targeted during the year, the estimated population reach by site location, and how the site and location was identified. Priority will be given to those organizations who coordinate and/or collaborate with Tribal Organizations.

Program Objectives (Maximum 5 points) – Proposal demonstrates an understanding of the goals of the SNAP-Ed Program by proposing program objectives related to each activity that align with the goals outlined in this RFP. Applicant describes how proposed activities improve community health and wellness pursuant to Executive Order No. 190 specific to food insecurity and the prevention of nutrition-related chronic disease as set forth in this RFP.

Program Activity (Maximum 17 points) – Proposal addresses the 5 W's (who, what, when, where why) of each direct service activity to be implemented for adults and/or youth, including the anticipated reach of each activity (**Maximum 5 points**). Additional points will be awarded as followed based on the comprehensiveness of activities proposed:

Direct Education Activities: (**Maximum 12 points**)

- Series of adult classes (3 point)
- Single classes for adults (1 points)
- Guided grocery store tours for adults (2 points)
- Retail and farmer market food demonstrations (2 points)
- Classroom or after school classes for youth (3 points)
- Community Obesity Prevention Events (1 point)

PSE Activity (Maximum points: 10)

- Proposal addresses the 5 W's (who, what, when, where why) of a proposed PSE strategy to address the goals of the SNAP-Ed program and the activity components address the key objectives of the PSE activity.
- More than one strategy is proposed. Priority will be given to those organizations that propose multiple strategies.

Organizational Experience, and Past Accomplishments (Maximum 9 points)

- Proposal describes organization's relevant experience in implementing and overseeing operation of a nutrition education and/or obesity prevention program, including the agency's ability to achieve annual program goals. Proposal documents past program achievements and includes evidence of past performance.
- Proposal describes agency organizational structure and staff capacity to provide program leadership, management, and oversight of proposed activities in response to this RFP. Agency demonstrates experience providing strong leadership to direct program staff in the implementation of activities in funding request.
- Proposal describes relevant experience in administering large grant program, including fiscal management and accountability related to personnel, purchasing and accounting, travel, claiming, and reporting. Agencies currently in receipt of multiple grants will need to demonstrate administrative capacity to meet the goals of this RFP and ensure fiscal accountability of additional funding.
- Proposal describes agency capacity to oversee and administer large grant programs to subrecipients. Relevant experience facilitating dissemination of SNAP-Ed policy and Technical Assistance to subrecipients.

Note: Applicants who are not current OTDA contractors should provide quantitative evidence of performance related to providing the services requested as part of this RFP, including names and contact information of funders to verify performance. For current OTDA SNAP-Ed contractors, past agency performance will be used in scoring this section in addition to the applicant's proposal.

Regional Approach (15 points)

- Proposal uses a regional-based approach to serve participants in more than one county.
- Priority will be given to organizations that propose to use a multiregional-based approach to serve participants in many counties.

IV. Budget Section (18 points) – Direct Services

The expenditure-based budget will be examined to determine the extent to which expense projections are reasonable, necessary, and allowable for delivery of services. All costs must be consistent with the scope of services described in the submitted proposal. Only use whole dollar amounts for funds requested.

- Reasonable costs are those that provide a program benefit generally commensurate with the amount incurred, are in proportion with other program costs for the function and have a high priority relative to other demands.
- Necessary costs are those that are needed to carry out essential functions as defined by the contract, cannot be avoided without adverse impact on program operations, and do not duplicate existing efforts.

Detailed justifications must be provided for all requested items, and proposed costs must be properly explained. Administrative costs are limited to no more than 15% of the total proposed costs, and all administrative costs must be identified and itemized in the *Other* category of the Budget.

Applicants must abide by NYS and Federal Cost Principles. The following are examples of **unallowable administrative costs**:

- Advertising and Public Relations
- Capital expenditures for improvement or acquisition of facilities. Includes costs associated with maintenance to extend the life of property or expansion expenditures. Interest costs incurred by provider agencies, including late fees.
- Payments to third parties and other losses not covered by insurance (indemnification). Bad debts, uncollected accounts, or claims.
- Fines, violations, or penalties for failure to comply with federal, State, or local laws.
- Costs of organized fundraising.
- Donations and lobbying.
- Costs of attendance at conferences or meetings of professional organizations.
- Professional licensure and individual membership
- Costs for preparation of continuation agreements and other proposal development costs.
- Alumni activities commencement and convocations.
- Scholarships, student aid student activity costs.
- Entertainment and meeting refreshments
- Payment to participants for transportation or childcare

Indirect costs are not allowable as part of this program. To be eligible to charge indirect costs to SNAP-Ed funding, OTDA must act as a pass-through agency. OTDA solicits bids directly through an RFP process and is not a pass-through for purposes of charging indirect costs to a direct contractor.

Allowable budget categories include:

Salaries – The annual salaries and corresponding full-time equivalent (FTE) values of **direct**

program staff who will be delivering classes and other activities, including staff involved with direct management, supervising and monitoring. It is expected that the applicant will employ one person as a **manager**. The manager directs and oversees all aspects of the program and is the primary person with whom OTDA conducts all business. The manager may be a supervising nutritionist. The manager will interact with OTDA on all issues pertaining to the contract, including but not limited to policy and operations, fiscal, contract, personnel, training, program monitoring, reporting and evaluation. The manager will attend quarterly manager conference calls with OTDA. Agencies should consider including bilingual/bicultural nutritionists as needed to address the needs of limited English proficient adults and youth in the areas of the State with increasing ethnic diversity to ensure the broadest reach of nutrition education programming. Nutrition education for youth may be delivered by NYS certified teachers or nutritionist. The applicant is responsible for all training, management support, monitoring, and reporting for all nutritionists and teachers. This section should also include the cost reasonable annual salaries and corresponding full-time equivalent (FTE) values of **other necessary program staff**, including supervisors, nutrition assistants, communication, and data reporting staff.

Fringe Benefits – Briefly explain the calculation of fringe benefits associated with the staff salaries. Benefits should be budgeted in line with an organization’s standard fringe benefit policy and/or negotiated bargaining agreement and should not exceed the current NYS rate published by the OSC in the Guide to Financial Operations. Include any social security, workers’ compensation, unemployment insurance, disability insurance and other insurance programs the applicant organization provides. Contractors will be subject to rate limits that are in effect throughout the term of the contract. If budgeted fringe benefits represent an exception to standard policy, please explain the basis.

Contractual Services – Includes costs for services rendered to the contract under a formal or written agreement, such as direct provision of services by contractual arrangement. Each type of contractual cost must be listed individually, and the cost justified. This line includes individuals or organizations external to the contractor which have entered into an agreement with the contractor to provide any services outlined in or associated with the contract, and whose services are to be funded under the contract. All such agreements are to be a bona fide written contract and a copy of each must be included. If details are not known, include a brief narrative of each contractual service to be provided, indicating the organization/individual selected, anticipated outcomes and projected budget. **All subcontractors** receiving \$100,000 or more will be required to be current with the Attorney General’s Office Charities Bureau and have a current Vendor Responsibility Questionnaire on the OSC VendRep system. All subcontracts are subject to review and approval by New York State. Applicants submitting a proposal on behalf of a consortium must include all partner entities, and provide line-item costs, including administrative costs, related to the roles and responsibilities of each partner agency under the proposed SNAP-Ed contract.

Travel and Training – Includes reasonable travel costs associated with cost to conduct nutrition classes, PSE activities, perishable food shopping, meetings, program monitoring, and training. Includes one annual training in Albany. **All costs and claims submitted must comply with NYS Office State Comptroller guidelines, including policies for meal reimbursement for day and overnight travel.** This program requires a significant amount of local travel. Agencies are responsible for ensuring that staff hired can travel to areas of the State that are not supported by public transportation for ongoing direct service activities. Cost reasonable Metro/subway and bus fares, car rental, parking fees, and tolls are allowable costs when employee is in ‘travel status’ for official business only. Driver tips, taxes, late fees, and donations not allowable. Only travel costs for personnel listed under staff salaries is allowed. Cost related to employee travel to and from home to work is not allowable. Daily and/or monthly parking rates for office garages and/or lots is not allowable. All travel costs related to direct service must be cost reasonable and necessary. Travel by taxi and ride sharing are not

considered reasonable travel costs for ongoing direct service activities. Personal mileage for delivery of direct service is reimbursed at the current NYS mileage rate (.67 per mile effective 1/1/24). Agencies that maintain fleet vehicles will be reimbursed at the current fleet rate. All mileage reimbursement requires the submission of documentation listing departing origin, destination location, distance traveled, and purpose of travel. Consultant or subcontractor travel expenses should be included in contractual services budget. No out-of-state travel costs are allowed unless specifically requested and pre-approved by OTDA.

Equipment – Includes the purchase, rental, and leasing of any ‘non-consumable, tangible property’ having a useful life of more than one year. Computer equipment is limited to either: 1) a desktop office computer, or 2) a laptop computer and case for each employee for the contract term. Contractors responsible for maintaining inventory of all equipment purchased during contract term. When equipment is damaged and replacement fee is more economical than repair, agency is required to request ‘permission to discard and replace’ the equipment. For all equipment expenses, cost-allocation must be used for staff working less than 100% on the program. Three verbal estimates are required for items costing between \$501 and \$5,000. Equipment purchases with grant dollars will be limited and substantial purchases are strongly discouraged and should be avoided. In the Budget Narrative section, describe the equipment and how it relates to service delivery. If other than the low bidder is selected, provide a statement as to why that vendor was selected. Factors that may influence selection are free delivery and installation, special features, better warranty, or maintenance agreement, etc. Equipment items costing \$500 or less per item, with a useful life of less than one year, are considered supplies.

The following equipment purchases are prohibited and should not be included in the application: any equipment costing \$5,000 per unit or more; vehicles; kitchen appliances (such as refrigeration, stoves, dishwashers); medical equipment; washers and dryers; handwashing stations; commercial food service equipment and/or dining facility equipment; retail infrastructure (such as shelving); community infrastructure (such as playgrounds and/or construction equipment); and large physical activity equipment (such as bicycles for recreation and/or demonstration, treadmills, ellipticals, weight sets or machines). Gardening is not an allowable activity for this SNAP-Ed RFP, and all associated gardening equipment is unallowable (including hydroponic equipment, garden towers, and grow lights).

Space/Property-Rent – Include prorated necessary and ‘reasonable’ real estate rental costs required for the operation of the program. A rental agreement must be included as part of an awarded contract. Space justification must be provided and include cost per square foot. Only the square feet being used by staff charged to SNAP-Ed approved FTEs may be included.

Space/Property-Own – Include prorated necessary and reasonable real estate costs associated with owned property allocated to the program. Space justification must include cost per square foot and only the square feet being used by staff charged to this program at SNAP-Ed approved FTEs may be included. Capital expenditures for improvement or acquisition of facilities, including costs associated with maintenance to extend the life of property is unallowable.

Utilities – Include prorated necessary and reasonable costs associated with utilities allocated to the program, such as electricity, gas, and water. Justification for utilities must be provided and must be based on cost per square feet and/or approved FTEs, as applicable.

Operating Expenses – Cost reasonable and necessary operating expenses including, but not limited to teaching materials, food, disposable supplies, office supplies, copy and printing, participant reinforcement items, postage, office phones, internet, and fax. Quarterly bulk purchasing of office supplies and shelf stable food demonstration supplies encouraged. Agency is responsible for providing each nutritionist a toolkit for the contract term with the

necessary material, supplies, and equipment needed annually. Toolkits are not to be purchased for individual site locations. Food delivery fees to priority site locations allowable when necessary and cost reasonable, including cost reasonable replacements for broken equipment. **Teaching Materials** – teaching materials (including curriculum, supporting handouts, dry erase board and markers). **Reinforcement Items** – costing \$5.00 or less with demonstrated effectiveness related to reinforcing nutrition education class topics (Knives are prohibited). **Phones** – the costs of agency office phones for staff. **General Office Supplies** – general office supplies necessary for operation of program including, but not limited to, paper, pens, pencils, stapler, paper clips, sticky notes, folders, envelopes, flash drive or cd for storage and submitting claims to OTDA.

Other – Administrative costs, including administrative staff, general administrative office supplies, administrative telephone and internet costs, administrative postage, agency position recruitment and background checks, and cost-allocated costs for agency audits.

Administrative Staff – includes ‘cost reasonable’ administrative, human resources, fiscal and other necessary staff required for program operations not delivering direct programming. Executive staff compensation must be cost reasonable and reflect the actual percent administrative time spent on the program. Any personnel that provide both direct services and administrative duties may be split accordingly between the personnel and administrative cost categories. The explanation/justification should be very specific as to the time spent on activities in such instances. The itemized administrative total must not exceed 15% of the total proposed costs. Funds may not be used to support the salaries of administrative personnel that receive compensation in excess of \$199,000 without prior approval. OTDA may adjust the compensation cap annually based on appropriate factors and with the approval of the Director of the Department of Budget.

Additional information on allowable and non-allowable costs can be found in the SNAP-Ed Plan Guidance located on USDA’s website at: [FY 2024 Supplemental Nutrition Assistance Program Education \(SNAP-Ed\) Plan Guidance, Nutrition Education and Obesity Prevention Program \(usda.gov\)](https://www.usda.gov/programs/nutrition-education-and-obesity-prevention-program). As a reminder there are additional SNAP-Ed activities and costs that are allowable costs with SNAP-Ed funding, however, if the activities and costs fall outside of the scope of this RFP, they will not be allowable as part of this program.

V. Work Plan (10 points) – Direct Services

The work plan in SFS consists of objectives, tasks, and performance measures. Objectives and tasks are standard and preset for applicants. Review each objective and task provided and enter the estimated performance measure for the first 12-month period of the program cycle. Additionally, applicants are required to submit the Project Description form. This form can be found in the Events Comments and Attachments section of the RFP. The Work Plan and Project Description will be evaluated based on its completeness administrative support service components to achieve each of the required contract deliverables. Indicators of success should address the time frame for implementing each service and the ability to meet performance deadlines.

VI. Method of Selection

The method of selection will be based on a point system. Awards will be based on the highest total points earned and in accordance with the guidelines set forth in this RFP. To best maximize funding, OTDA reserves the right to consider lower scoring proposals to assure statewide coverage in geographic areas with high incidences of poverty, SNAP redemption, and obesity. Regardless of score, OTDA reserves the right to:

- Seek clarifications and revisions of applications.
- Fund, partially fund, or not fund an application based on availability of funds and/or other relevant information, including an agency's financial position, administrative capacity, and/or past performance; and
- Award all, some, or none of the funds available for Administrative Support Services.

PART E: Terms and Conditions Governing This RFP

Bid Protest Procedure

Procedure for Handling of Protests/Appeals of Bid Specification(s) and Proposed Awards

It is the policy of OTDA to provide all Offerors with an opportunity to resolve complaints or inquiries related to bid solicitations or pending contract awards administratively. OTDA encourages all Offerors to seek resolution of complaints concerning the contract award process through consultation with OTDA. All such matters will be accorded impartial and timely consideration. Detailed procedures are as follows:

Formal Written Protests - Final agency decisions or recommendations for award generally may be reconsidered only in the context of a formal written protest as described below. Any Offeror or prospective Offeror who believes that there are errors or omissions in the procurement process or who otherwise has been aggrieved in the drafting or issuance of this RFP, proposal evaluation, award, or contract award phases of the procurement, may present a formal complaint to OTDA and request administrative relief concerning such action ("formal protest"). A formal protest must be submitted in writing to OTDA, by ground mail, except where alternate arrangements have been made, to the Director of the OTDA Bureau of Contract Management (BCM), 40 North Pearl Street, 12th Floor, Section D, Albany, NY 12243. A formal protest must include a statement of all legal and/or factual grounds for disagreement with an OTDA specification or purchasing decision; a description of all remedies or relief requested; and copies of any and all applicable supporting documentation.

Deadline for Submission of Formal Protests for Errors or Omissions in the Procurement Process – OTDA must receive formal protests concerning errors, omissions, or prejudice, including patently obvious errors in this RFP specifications or documents, at least 10 calendar days before the Bid Submission Date.

Deadline for Submission of Formal Protests of Contract Award – OTDA must receive a formal protest concerning a contract award within 10 business days of the issuance of notice of contract award.

Review and Final Determination of Protests - Protests will be resolved through written correspondence. However, the protester may request a meeting to discuss a formal protest or OTDA may initiate a meeting on its own accord, at which time the participants may present their concerns. Either the protester or OTDA may decline such a meeting. Where further formal resolution is required, the Director of BCM may designate an OTDA employee ("designee") to determine and undertake the initial resolution or settlement of any protest. The designee will conduct a review of the records involved in the protest and provide a memorandum to the Director of BCM summarizing the facts as determined by the designee, an analysis of the substance of the protest and a preliminary recommendation. The Director of BCM shall: (a) evaluate the designee's findings and recommendations, the evaluation team's reports, and recommendations; (b) review the materials presented by the protesting party and/or any materials required of or submitted by other Offerors; (c) if necessary, consult with OTDA Counsel's Office; and (d) prepare a response to the protest. A copy of the protest decision, stating the reason(s) upon which it is based and informing the protester of the right to appeal an unfavorable decision to OSC shall be sent to the protester or its agent within 45 calendar days of receipt of the protest, except that upon notice to the protester such period may be extended. The protest decision will be recorded and included in the procurement record, or otherwise forwarded to OSC upon issuance.

Appeals - Upon receipt of the OTDA's determination of a protest, a protester has 10 business days to file an appeal of the determination with OSC Bureau of Contracts. The appeal must be filed with the Bureau Director at bidprotests@osc.ny.gov or New York State Office of the State Comptroller, 110 State Street, 11th Floor, Albany, NY 12236.

The protester's appeal must contain an affirmation in writing that a copy of the appeal has been served on OTDA, the successful bidder (except where the contracting agency upholds the protest, and the successful bidder is the appealing party) and any other party that participated in the protest. In its appeal, the interested party shall set forth the basis on which it challenges OTDA's determination. The OSC Bureau of Contracts will conduct a formal review and issue its determination of the appeal in accordance with its established policy and procedures.

Reservation of Rights and Responsibilities of the OTDA - OTDA 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 and OTDA. If OTDA determines that there are compelling circumstances, including the need to proceed immediately with the contract award in the best interest of the state, then these protest procedures may be suspended, and such decision shall be documented in the procurement record. OTDA 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.

Procurement Activity Prior to Final Protest Determination - Receipt of a formal bid protest shall not stay action on a procurement unless otherwise determined by OTDA. If a formal protest or appeal is received by OTDA on a recommended award prior to the underlying contract being forwarded to OSC, notice of receipt of the protest and appeal must be included in the procurement record forwarded to OSC. If a final protest decision or final decision on appeal has been reached prior to transmittal to OSC, a copy of the final decision must be included in the procurement record and forwarded with the recommendation for award. If a final protest decision is made after the transmittal of a bid package to OSC, but prior to OSC approval under State Finance Law § 112, a copy of the final OTDA decision shall be forwarded to OSC when issued, along with a letter either: a) confirming the original OTDA recommendation for award and supporting the request for final § 112 approval, b) modifying the proposed award recommendation in part and supporting a request for final § 112 approval as modified; or c) withdrawing the original award recommendation.

Record Retention of Bid Protests - All records related to formal Offeror protests and appeals shall be retained for at least one year following resolution of the protest. All other records concerning the procurement shall be retained according to the statutory requirements for records retention.

General Terms and Conditions

The contract resulting from this RFP will start on or about October 1, 2024. It is anticipated that the successful applicant will receive a contract for up to five (5) years.

OTDA reserves the right to consider proposals in response to this RFP, but not funded at this time, for any additional funding that may become available in the future. Updated information will be requested as deemed necessary by OTDA. OTDA also reserves the right to solicit and accept new proposals, as funding becomes available.

OTDA will conduct a review of all prospective contractors to provide reasonable assurances that the vendor is responsible. Vendor Responsibility will be determined regarding each bidder

or offeror's authority to do business in New York, their business integrity, as well as financial and organizational capacity, and performance history.

Successful contractors will be required to submit all final contract documents, narratives, and budgets electronically. The following may be incorporated into any contracts resulting from this RFP:

- The Master Contract
- Attachment A-1, (OTDA and SNAP-Ed III Program terms and conditions)
- Attachment A-2, (Federally Funded Terms)
- Attachment B-1 (Expenditure Based Budget)
- Attachment C (Workplan)
- Attachment D (Payment and Reporting Schedule)

The Master Contract and Attachment A-1, Equal Employment Opportunities (EEO) for Minorities and Women apply as do Minority and Women-Owned Business Enterprise (MWBE) goals on discretionary expenses.

The terms and conditions specified in a detailed contract must be signed by OTDA and approved by NYS OAG and the OSC before any payments are made. **Please note that no services may be reimbursed until a contract has been fully executed. Contractor requirements and procedures for participation by New York State certified minority and women-owned business enterprises and equal employment opportunities for minority group members and women.**

New York State Law

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, OTDA 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 OTDA contracts.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, OTDA hereby establishes an overall 30% M/WBE participation goal, and specific participation goals for both New York State-certified Minority-owned Business Enterprises ("MBE") and New York State-certified Women-owned Business Enterprises ("WBE") will be assessed based on the nonprofit's discretionary spending budget and participation opportunities therein. 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 OTDA 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 OTDA 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. [FOR CONSTRUCTION CONTRACTS – The portion of a contract with an MWBE serving as a supplier that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60 percent of the total value of the contract. 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 the monetary value for fees, or the markup percentage, charged by the MWBE]. [FOR ALL OTHER CONTRACTS - 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]

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 OTDA 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 the Contract’s program manager at OTDA.

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 OTDA for review and approval. OTDA will review the submitted MWBE Utilization Plan and advise the respondent of OTDA 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 OTDA a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by OTDA to be inadequate, OTDA 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. OTDA 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 OTDA 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 OTDA 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 MWBE Contractor Compliance & Payment Report to OTDA, by the 7th 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.

Equal Employment Opportunity and Workforce Utilization Reporting Requirements

By submission of a bid or proposal in response to this solicitation, the respondent agrees with all 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, color, national origin, sex, age, disability, or marital 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, Form OTDA-4970, to OTDA with its bid or proposal.

If awarded a Contract, respondent shall submit form OTDA-4971 Workforce Utilization Report and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by OTDA on a QUARTERLY basis during the term of the Contract.

Pursuant to Executive Order #162, contractors and subcontractors will also be required to report the gross wages paid to each of their employees for the work performed by such employees on the contract utilizing the Workforce Utilization Report on a quarterly basis. Note – NFP grantees are exempt from Executive Order #162. 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.

Participation Opportunities For New York State Certified Service-Disabled Veteran Owned Businesses

Article 3 of the New York State Veterans' Service Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOB"), thereby further integrating such businesses into New York State's economy. OTDA recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of OTDA contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

For purposes of this procurement, OTDA conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors, service providers and suppliers to Contractor. Nevertheless, Bidder/Contractor is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials. The directory of New York State Certified SDVOBs can be viewed at: <https://ogs.ny.gov/veterans/> Bidder/Contractor is encouraged to contact the Office of General Services' Division of Service-Disabled Veteran's Business Development at 518-474-2015 to discuss methods of maximizing participation by SDVOBs on the Contract.

Executive Order No. 190: Incorporating Health Across All Policies Into State Agency Activities

Per Executive Order 190 (EO 190), this RFP incorporates the New York State Prevention Agenda and the World Health Organization (WHO) Eight Domains of Livability to further the Health Across All Policies initiative.

The New York State Prevention Agenda is the blueprint for action to improve the health of New Yorkers and become the healthiest state for people of all ages. The five priority areas of the New York State Prevention Agenda are:

1. Preventing Chronic Diseases
2. Promoting a Healthy and Safe Environment
3. Promoting Healthy Women, Infants and Children
4. Promoting Well-Being and Preventing Mental Health and Substance Use Disorders
5. Preventing Communicable Diseases

The WHO Eight Domains of Livability include:

1. Outdoor Spaces and Buildings
 - Providing safe, accessible places for the public to gather indoors and outdoors. Ensuring that parks, sidewalks, safe streets, outdoor seating, and accessible buildings can be used and enjoyed by people of all ages.
2. Transportation
 - Increasing the accessibility, availability and affordability of public transit options, as well as ensuring safe roadways.
3. Housing
 - Expanding affordable housing options for varying life stages, and enacting programs that help people remain in their homes longer to age in place.
4. Social Participation
 - Increasing access to affordable and community-based social activities can help address loneliness and isolation.
5. Respect and Social Inclusion
 - Increasing the availability of intergenerational activities and programs.
6. Civic Participation and Employment
 - Provide ways that all people, including older people, can, if they choose to, work for pay, volunteer their skills and be actively engaged in community life.
7. Communication and Information
 - Providing information through a variety of means and in a culturally competent manner, recognizing that not everyone has a smartphone or internet access.
8. Community and Health Services
 - Ensuring accessible and affordable health services in every community.
 - The Health Across All Policies initiative is a collaborative approach that integrates health considerations into policymaking across all sectors to improve community health and wellness. To successfully improve the health of all communities, health

improvement strategies must target social determinants of health and other complex factors that are often the responsibility of non-health partners such as housing, transportation, education, environment, parks, and economic development.

Consistent with EO 190, where requested in this RFP, applicants must describe how their proposals can improve community health and wellness through alignment and coordination with the NYS Prevention Agenda priorities and the WHO Eight Domains of Livability.

State Agency Rights

OTDA reserves the right to:

1. Place a monetary cap on the funding amount made in each contract award, and/or make awards for less than the amount requested or greater than the amount requested.
2. Change any of the scheduled dates stated in the RFP.
3. Disqualify by reducing the overall score by 35 points for applications that do not meet the requirements stated in the RFP.
4. Request all bidders who submitted proposals to present supplemental information clarifying their proposal either in writing or by formal presentation.
5. Make funding decisions that maximize compliance with and address the goals identified in this RFP.
6. Fund only one portion, or selected activities, of a selected bidder's proposal; and/or adopt all or part of the selected bidder's proposal based on State requirements.
7. Eliminate any RFP requirements unmet by all bidders, upon notice to all parties that submitted proposals.
8. Waive procedural technicalities, or modify minor irregularities, in proposals received, after notification to the bidder involved.
9. Correct arithmetic errors in any proposal, or make typographical corrections to proposal, with concurrence of the bidder.
10. Award contracts to more than one bidder.
11. Fund any or all proposals received in response to this RFP. OTDA 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.
12. 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.
13. Make additional awards based on the remaining proposals submitted in response to this RFP and/or to provide additional funding to awardees if additional funds become available.
14. Make inquiries of third parties, including but not limited to bidders' references, with regard to the applicants' experience, or other matters deemed relevant to the proposal by OTDA. By submitting a proposal in response to this RFP the applicant gives its consent to any inquiry made by OTDA.
15. Negotiate with the selected bidder(s) prior to contract award.
16. Require contractors to participate in a formal evaluation of the program to be developed by OTDA. 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.
17. Consider statewide distribution and regional distribution within New York City including borough distribution methodology, in evaluating proposals.

Part F: Sample Upload Documents

Following are explanations and samples of the forms applicants are required to upload as part of the SNAP-Ed application. Download all forms on the Statewide Financial System. Upload all forms in the places designated throughout the application. If you are unable to produce required information, you must upload an explanation in its place.

- **M/WBE Goal Requirements Certification of Good Faith Efforts:** This form must be signed, certifying agreement to document good faith efforts to provide meaningful participation by New York State certified M/WBE subcontractors or suppliers/ vendors in the performance of this contract.
- **Staffing Plan:** The staffing plan should be completed based on the composition of staff working on the project. Enter the numbers or count in the corresponding boxes and add up the totals in each column. This form is for diversity research purposes only and has no bearing on M/WBE participation requirements or overall participation goals.
- **M/WBE-EEO Policy Statement:** This is an acknowledgement that New York State is an Equal Employment Opportunity employer, and by extension it expects all vendors, contractors, and subcontractors that hold contracts with New York State to ensure the same standard of equal opportunity in SNAP-Ed employment practices. Applicants must sign and return the M/WBE – EEO Policy Statement with SNAP-Ed proposals.
- **M/WBE Utilization Plan:** This form must be submitted with any bid, proposal, or proposed negotiated contract, or within a reasonable time thereafter, but prior to contract award. The Utilization Plan must contain a detailed description of the supplies and/or services to be provided by each certified Minority-Owned Business Enterprise (MBE) and Women-Owned Business Enterprise (WBE) under the contract. A dually certified firm cannot be counted toward both the MBE and WBE participation goals.
- **M/WBE Subcontractor and Suppliers Letter of Intent to Participate:** This form must be submitted with any bid, proposal, or proposed negotiated contract or within a reasonable time thereafter, but prior to contract award. The form serves as an agreement with the vendors that will provide supplies and/or services under the approved contract. Letters of Intent must be submitted for each MBE and WBE indicated on the M/WBE Utilization Plan.
- **Subcontractor and Supplier Identification Form:** This form for OTDA For-Profit and Nonprofit procurements (IFB/RFP/Contract Reporter \$50,000 or more) was created for applicants to complete as part of the bid solicitation. The form requires applicants for each new procurement (IFB/RFP/Contract Reporter Purchases \$50k or more) to list all subcontractors and the requested information for each that is in place to provide the goods and services required by that contract. This form was created to provide OTDA with a list of all subcontractors and key information, including dollar value of the subcontracts over the contract term, to assist OTDA in assessing the discretionary portion of each contract and overall compliance with NYS/OTDA M/WBE requirements.
- **SNAP-Ed Direct Service Project Description:** This form is required for all Direct Services applicants. This form is not required by those only applying for Technical Assistance. This form summarizes important details of the application and the Direct Service activities for which funding is being requested.
- **Letter of Support:** A letter of support from the Social Service District in 'each' county the applicant agency will be serving. Social Service Districts administer the SNAP program in

each county. Note a sample letter is not included, but letters must be uploaded as part of the application.

- **Federal and State Nutrition Funding Attestation Form:** Attestation form signed by agency signatory stating that there will be no duplication of services or supplanting of Federal or State nutrition program funding. Certifies that all SNAP-Ed funding will be kept separate and will only be used for SNAP-Ed programming. Submitted by applicants who are in receipt of any State or Federal nutrition program funding only.
- **Offeror's Acknowledgement of Understanding of Post-Employment:** Attestation form that acknowledges provisions of NYS Public Officer's Law.
- **Offeror's Assurance of No Conflict of Interest or Detrimental Effect:** Attestation form acknowledging specific provisions of State Public Officer's Law.
- **Non-Collusive Bidding Certification:** Attestation of conformance with State Finance Law related to non-collusive bidding.
- **EO 177 Certification:** Certifies conformance with Executive Order 177 and non-discrimination practices.
- **Sexual Harassment Prevention Certification:** Attestation of conformance with State Finance Law regarding policies for sexual harassment prevention in the workplace and provision of annual sexual harassment training to all its employees.

M/WBE GOAL REQUIREMENTS CERTIFICATION OF GOOD FAITH EFFORTS

Contractors (to include those who submit bids/proposals in an effort to be selected for contract award as well as those successful bidders/proposers with whom OTDA enters into State contracts) must document “good faith efforts” to provide meaningful participation by New York State Certified M/WBE subcontractors or suppliers/vendors in the performance of this contract.

The undersigned hereby acknowledges that he/she took or may need to take the following actions on behalf of the Contractor to demonstrate, and upon request by OTDA, to provide written verification to document the aforesaid good faith efforts:

- (a) The Contractor attended any pre-bid, pre-award, or other meetings scheduled by the contracting agency or the NYS Department of Economic Development or its designee to inform certified minority- or women-owned business enterprises of contracting and subcontracting opportunities available on the project, for purposes of complying with contract participation goal requirements;
- (b) The Contractor identified economically feasible units of the project that could be contracted or subcontracted to certified minority- and women-owned business enterprises in order to increase the likelihood of participation by such enterprises on the contract;
- (c) The Contractor undertook efforts to reasonably structure the contract scope of work for purposes of subcontracting with certified minority- and- women-owned business enterprises;
- (d) The Contractor advertised in a timely fashion and in appropriate general circulation, trade and minority- and women-oriented publications, if any, concerning the contracting or subcontracting opportunity;
- (e) The Contractor made written solicitations in a timely fashion to a reasonable number of certified minority- and women- owned business enterprises identified from current certified lists of such business enterprises provided or maintained by the NYS Empire State Development’s Division of Minority and Women Owned Business Development, or its designee, of the contracting or subcontracting opportunity. The directory of certified businesses can be viewed at: <http://esd.ny.gov/index.html>
- (f) The Contractor can document if any timely responses to any such advertisements and solicitations were provided by certified minority- and women-owned business enterprises;
- (g) The Contractor followed-up initial solicitations by contacting the enterprises to determine whether the enterprises were interested in such contracting or subcontracting opportunity;
- (h) The Contractor provided interested certified minority- and women-owned business enterprises in a timely fashion with adequate information about the plans, specifications or terms and conditions of the State contract and requirements for the contracting or subcontracting opportunity so as to prepare an informed response to a contractor solicitation;
- (i) The Contractor submitted a completed, acceptable utilization plan in accordance with applicable requirements to meet goals for participation of certified minority-and women-owned business enterprises established in the State contract;

STAFFING PLAN

Submit with Bid or Proposal – Instructions on page 2

Solicitation No.: █		Reporting Entity: █		Report includes Contractor's/Subcontractor's: <input type="checkbox"/> Workforce to be utilized on this contract	
Offeror's Name: █				<input type="checkbox"/> Offeror	
Offeror's Address: █				<input type="checkbox"/> Subcontractor	
				Subcontractor's name: █	

Enter the total number of employees for each classification in each of the EEO-Job Categories identified

EEO-Job Category	Total Work force	Workforce by Gender		Workforce by Race/Ethnic Identification								Disabled		Veteran			
		Total Male (M)	Total Female (F)	White (M) (F)		Black (M) (F)		Hispanic (M) (F)		Asian (M) (F)		Native American (M) (F)		(M)	(F)	(M)	(F)
Officials/Administrators	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Professionals	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Technicians	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Sales Workers	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Office/Clerical	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Craft Workers	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Laborers	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Service Workers	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Temporary /Apprentices	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Totals	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
PREPARED BY (Signature): █									TELEPHONE NO.: █				DATE: █				
									EMAIL ADDRESS: █								
NAME AND TITLE OF PREPARER (Print or Type): █									Submit completed with bid or proposal								

General Instructions: All Offerors and each subcontractor identified in the bid or proposal must complete an EEO Staffing Plan (MWBE 101) and submit it as part of the bid or proposal package. Where the work force to be utilized in the performance of the State contract can be separated out from the contractor's and/or subcontractor's total work force, the Offeror shall complete this form only for the anticipated work force to be utilized on the State contract. Where the work force to be utilized in the performance of the State contract cannot be separated out from the contractor's and/or subcontractor's total work force, the Offeror shall complete this form for the contractor's and/or subcontractor's total work force.

Instructions for completing:

1. Enter the Solicitation number that this report applies to along with the name and address of the Offeror.
2. Check off the appropriate box to indicate if the Offeror completing the report is the contractor or a subcontractor.
3. Check off the appropriate box to indicate work force to be utilized on the contract or the Offerors' total work force.
4. Enter the total work force by EEO job category.
5. Break down the anticipated total work force by gender and enter under the heading "Work force by Gender"
6. Break down the anticipated total work force by race/ethnic identification and enter under the heading "Work force by Race/Ethnic Identification". Contact the OMWBE Permissible contact(s) for the solicitation if you have any questions.
7. Enter information on disabled or veterans included in the anticipated work force under the appropriate headings.
8. Enter the name, title, phone number and email address for the person completing the form. Sign and date the form in the designated boxes.

RACE/ETHNIC IDENTIFICATION

Race/ethnic designations as used by the Equal Employment Opportunity Commission do not denote scientific definitions of anthropological origins. For the purposes of this form, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one race/ethnic group. The race/ethnic categories for this survey are:

- **WHITE** (Not of Hispanic origin) All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- **BLACK** a person, not of Hispanic origin, who has origins in any of the black racial groups of the original peoples of Africa.
- **HISPANIC** a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
- **ASIAN & PACIFIC ISLANDER** a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands.
- **NATIVE INDIAN (NATIVE AMERICAN/ ALASKAN NATIVE)** a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

OTHER CATEGORIES

- **DISABLED INDIVIDUAL** any person who:
 - has a physical or mental impairment that substantially limits one or more major life activity(ies)
 - has a record of such an impairment; or
 - is regarded as having such an impairment.
- **VIETNAM ERA VETERAN** a veteran who served at any time between and including January 1, 1963 and May 7, 1975.
- **GENDER** Male, Female, or X

**MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES- EQUAL EMPLOYMENT OPPORTUNITY
POLICY STATEMENT**

M/WBE AND EEO POLICY STATEMENT

I, _____, the (awardee/contractor) _____ agree to adopt the following policies with respect to the project being developed or services rendered at _____

EEO

This organization will and will cause its contractors and subcontractors to take good faith actions to achieve the M/WBE contract participations goals set by the State for that area in which the State-funded project is located, by taking the following steps:

- (1) Actively and affirmatively solicit bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to M/WBE contractor associations.
 - (2) Request a list of State-certified M/WBEs from AGENCY and solicit bids from them directly.
 - (3) Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective M/WBEs.
 - (4) Where feasible, divide the work into smaller portions to enhanced participations by M/WBEs and encourage the formation of joint venture and other partnerships among M/WBE contractors to enhance their participation.
 - (5) Document and maintain records of bid solicitation, including those to M/WBEs and the results thereof. The Contractor will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.
 - (6) Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided, and that, if legally permissible, bonding and other credit requirements are waived or appropriate alternatives developed to encourage M/WBE participation. This organization will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on state contracts.
- (a) This organization shall state in all solicitation or advertisements for employees that in the performance of the State contract all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex disability or marital status.
 - (b) At the request of the contracting agency, this organization shall request each employment agency, labor union, or authorized representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of this organization's obligations herein.
 - (c) The Contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. The Contractor and subcontractors shall 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.

- (d) This organization will include the provisions of sections (a) through (d) of this agreement in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with the State contract.

Agreed to this _____ day of _____, 2_____

By _____

Print: _____ Title:

_____ is designated as the Minority Business Enterprise Liaison (Name of Designated Liaison) responsible for administering the Minority and Women-Owned Business Enterprises- Equal Employment Opportunity (M/WBE-EEO) program.

M/WBE Contract Goals

_____ % Minority and Women's Business Enterprise Participation

_____ % Minority Business Enterprise Participation

_____ % Women's Business Enterprise Participation

(Authorized Representative)

Title: _____

Date: _____

M/WBE UTILIZATION PLAN

INSTRUCTIONS: This form must be submitted with any bid, proposal, or proposed negotiated contract or within a reasonable time thereafter, but prior to contract award. This Utilization Plan must contain a detailed description of the supplies and/or services to be provided by each certified Minority and Women-owned Business Enterprise (M/WBE) under the contract. Note – A dually certified firm cannot be counted toward both the MBE and WBE participation goals. Attach additional sheets if necessary.

Offeror's Name: _____
 Address: _____
 City, State, Zip Code: _____
 Telephone No.: _____
 Region/Location of Work: _____

Federal Identification No.: _____
 Solicitation Name/Contract No.: _____
 MWBE Certified: Y/N _____
 MWBE Participation Goals: MBE _____% WBE _____%

1. Certified M/WBE Subcontractors/Suppliers Name, Address, Email Address, Telephone No.	2. Classification	3. Federal ID No.	4. Detailed Description of Work (Attach additional sheets, if necessary)	5. Dollar Value of Subcontracts/Supplies/Services and intended performance dates of each component of the contract.
A. _____	NYS ESD CERTIFIED <input type="checkbox"/> MBE <input type="checkbox"/> WBE	_____	_____	_____
B. _____	NYS ESD CERTIFIED <input type="checkbox"/> MBE <input type="checkbox"/> WBE	_____	_____	_____

6. IF UNABLE TO FULLY MEET THE MBE AND WBE GOALS SET FORTH IN THE CONTRACT, OFFEROR MUST SUBMIT A REQUEST FOR WAIVER FORM - OTDA - 4969.

PREPARED BY (Signature): _____ DATE: _____ NAME AND TITLE OF PREPARER (Print or Type): _____ SUBMISSION OF THIS FORM CONSTITUTES THE OFFEROR'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE M/WBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A, 5 NYCRR PART 143, AND THE ABOVE-REFERENCED SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND POSSIBLE TERMINATION OF YOUR CONTRACT.	TELEPHONE NO.: _____	EMAIL ADDRESS: _____
	FOR M/WBE USE ONLY	
	REVIEWED BY: _____	DATE: _____
	UTILIZATION PLAN APPROVED: <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____ Contract No.: _____ Contract Award Date: _____ Estimated Date of Completion: _____ Amount Obligated Under the Contract: _____ Description of Work: _____ NOTICE OF DEFICIENCY ISSUED: <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____ NOTICE OF ACCEPTANCE ISSUED: <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____	

M/WBE SUBCONTRACTORS AND SUPPLIERS LETTER OF INTENT TO PARTICIPATE

Contractor: [REDACTED]

Contract No.: [REDACTED]

Address: [REDACTED]

Federal ID#: [REDACTED]

Dear Contractor:

I, [REDACTED] intend to perform work for [REDACTED]
(Name of Subcontractor/Supplier) (Name of Prime Contractor)

My Minority/Women Business Enterprise (M/WBE) status as a MBE () and/or WBE () is certified as of [REDACTED].
(Certification date)

[REDACTED] is prepared to do the following:
(Name of Subcontractor/Supplier)

(Describe work to be performed on the above project)	Unit Price	Total Amount
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

You have projected [REDACTED] for such work to start.
(Commencement Date)

[REDACTED] will sign a formal contract for the above work conditioned
(Name of Subcontractor/Supplier)

upon the approval of your executed contract with the contractor.

Please choose one of the following options:

MBE: Subcontractor [REDACTED] Supplier [REDACTED]
WBE: Subcontractor [REDACTED] Supplier [REDACTED]

Company Official's Name: [REDACTED]
Company Official's Signature [REDACTED]
Address: [REDACTED]

Title: [REDACTED]
Date: [REDACTED]

*****This section is to be completed by the prime contractor*****

Company Official's Name: [REDACTED]
Company Official's Signature [REDACTED]
Telephone Number: [REDACTED]

Title: [REDACTED]
Date: [REDACTED]
Fax Number: [REDACTED]

SUBCONTRACTOR AND SUPPLIER IDENTIFICATION FORM

INSTRUCTIONS: This form must be submitted with any bid, proposal, or proposed negotiated contract. This identification form must contain a detailed description of the supplies and/or services to be provided by each subcontractor or supplier under the contract. Offerors must indicate by checking the box(es) below which business designation(s) each listed Subcontractor/Supplier meets. Attach additional sheets if necessary.

Officer's Name: _____
Address: _____
City, State, Zip Code: _____
Region/Location of Work: _____

Federal Identification Number: _____
Telephone Number: _____
Email: _____

Will New York State businesses be used in the performance of this contract? YES NO

1. Subcontractor/Supplier Business Name, Address, Email Address, Telephone No.	2. Service/Product Provided	3. Federal ID No.	4. Business Designation Check all that apply	5. Dollar Value of Subcontract/Supplier's Services over the term of the contract.
A. _____	_____	_____	<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> NYS Business** <input type="checkbox"/> NYS Small Business**	_____
B. _____	_____	_____	<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> NYS Business** <input type="checkbox"/> NYS Small Business**	_____
C. _____	_____	_____	<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> NYS Business** <input type="checkbox"/> NYS Small Business**	_____
D. _____	_____	_____	<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> NYS Business** <input type="checkbox"/> NYS Small Business**	_____
E. _____	_____	_____	<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> NYS Business** <input type="checkbox"/> NYS Small Business**	_____

Please Identify **ALL** subcontracting and supplier purchasing opportunities.
 NOTE: Any Subcontractor or Supplier purchases in excess of \$100,000 must comply with NYS Vendor Responsibility Requirements.

*New York State businesses have a substantial presence in State contracts and strongly contribute to the economy of the state and the nation. It recognition of their economic activity and leadership in doing business in New York State, bidders/proposers for this contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles.

Bidders/proposers need to be aware that all authorized users of this contract will be strongly encouraged, to the maximum extent practical and consistent with legal requirements, to use responsible and reputable New York State businesses in purchasing commodities that are of equal quality and functionality and in delivering services and technology. Furthermore, bidders/proposers are reminded that they must continue to adhere to all state, federal and foreign laws, consistent with current State law.

Utilizing New York State businesses in State contracts will help create more private sector jobs, rebuild New York's infrastructure, and maximize economic activity to the mutual benefit of the contractor and its New York State business partners. New York State businesses will promote the contractor's optimal performance under the contract, thereby fully benefiting the public sector programs that are supported by associated procurements.

Public Procurements can drive and improve the State's economic engine through promotion of the use of New York businesses by its contractors. The State therefore expects bidders/proposers to provide maximum assistance to New York businesses in their use of the contract. The Potential participation by all kinds of New York businesses will deliver great value to the State and its taxpayers.

NAME AND TITLE OF PREPARER (Print or Type): _____
Signature: _____
Authorized Signature
Date: _____
Telephone Number: _____
EMAIL Address: _____

SNAP-Ed III Project Description

Applicant Name:

Background: A high-level overview of the project including planned services and activities, project location(s), target population(s) and overall goals (S.M.A.R.T. format) and relevant experience of the provider organization to support the project.

List of Program Activities and Framework Indicators:

List of PSE Activities and Framework Indicators:

List of Subcontractors/Partners:

Curriculums:

List of Other Indirect Education and/or Social Marketing:

Project Outcomes: Identify the specific outcomes associated with this project.

Federal and State Nutrition Funding Attestation Form

If funded, I, INSERT NAME AGENCY REPRESENTATIVE of INSERT AGENCY NAME, certify that I will ensure compliance with program requirements, as outlined in this RFP, or subsequent additional regulations issued by Office of Temporary and Disability Assistance under the SNAP-Ed II or by the United States Department of Agriculture's Food and Nutrition Service (FNS) under the Supplemental Nutrition Assistance Program and the Supplemental Nutrition Assistance Nutrition Education and Obesity Prevention Program. Outlined below is a list of relevant grants, awards, or other nutrition funding sources currently administered by our organization. By signing this form,

I certify that funding under the SNAP-Ed II program may only be used for the purposes of this RFP and may not be used to supplant funds or duplicate nutrition programming funded supported with these other funds;

I certify, as a condition of funding, that all funds awarded with this RFP will be kept separate and used only to support allowable activities and costs as outlined in this RFP; and,

I certify that the funds designated for this SNAP-Ed proposal will not be used for a match for any other program.

SIGNATURE OF AGENCY REPRESENTATIVE DATE

Funding Amount (\$)	Name of Funding Source	Funding Period	√ check if SNAP-Ed

Contractor’s Certification/Acknowledgements/Understanding

Contractor’s Acknowledgement of Understanding of Post-Employment Provisions

The Authorized Signatory of the Contractor acknowledges that he/she has the authority to sign on behalf of the Contractor, has read and understands the provisions applicable to post-employment restrictions affecting former State officers and employees, and agrees to abide by the Provisions of the Public Officer’s Law during the term of the Agreement.

Contractor’s Disclosure of Any Existing and/or Contemplated Conflict of Interest

Have you any existing or contemplated relationship with any other person or entity, including relationships with any member, shareholders of 5% or more, parent, subsidiary, of affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety, relating to other clients/customers of the Contractor or former officers and employees of the Agencies and their Affiliates, in connection with your rendering services enumerated in this Agreement?

Yes ___ No ___

If your answer to the above is “Yes”, please attach a written explanation, include a statement with your Agreement documents describing how your Staffing Firm would eliminate or prevent the Conflict of Interest. Indicate what procedures will be followed to detect, notify OTDA of, and resolve any such conflicts.

By my signature on this form, I certify that all information disclosed to the State is complete, true, and accurate with regard to Conflicts of Interest.

Contractor’s Disclosure of Former State Employees

Do you employ and/or use any subcontractors who are former employees of OTDA that will be assigned to perform services under this Agreement?

Yes ___ No ___

If your answer to the above is “Yes”, please attach a written statement identifying any/all employees and/or subcontractors who are former employees of OTDA that will be assigned to perform services under this Agreement, include a description of their work duties, and the dates of their employment.

By my signature on this form, I certify that all information disclosed to the State is complete, true, and accurate with regard to Former State Employees.

Contractor’s Disclosure of Any Investigation or Disciplinary Action by the New York State Commission on Public Integrity or its Predecessor State Entities (Collectively, “Commission”)

Have you or any of your members, shareholders of 5% or more, parents, affiliates, or subsidiaries, been the subject of any investigation or disciplinary action by the New York.

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State Commission on Public Integrity or its predecessor State entities (collectively, “Commission”)?

Yes ___ No ___

If your answer to the above is “Yes”, please attach a written explanation; include a statement with your Proposal providing a brief description indicating how any matter before the Commission was resolved, or whether it remains unresolved.

By my signature on this form, I certify that all information disclosed to the State is complete, true, and accurate with regard to investigations or disciplinary actions by the Commission.

Contractor’s Agreement to Notify OTDA of Potential Future Conflicts

By signature below, the Authorized Signatory of the Contractor, certifies that he/she will notify OTDA of any/all new potential conflicts of interest and any/all new contractor staff that are prior OTDA employees during the term of the contract, prior to hiring of said individual, and will complete and submit an updated version of this form to OTDA at the time of becoming aware of any such new potential conflicts of interest, and of any/all new contractor or subcontractor staff that are prior OTDA employees.

The Signature Below Indicates Certification/Acknowledgement/Understanding of Each of the Above

Authorized Signatory Date

Printed or Typed Name

Title Contract Number

Offeror Assurance of No Conflict of Interest or Detrimental Effect

The Offeror proposing to provide services pursuant to this solicitation, as Contractor, Joint venture contractor, subcontractor, or consultant, attests that its performance of the services outlined in this solicitation does not and will not create a conflict of interest with nor, position the Offeror to breach any other Agreement currently in force with the State of New York.

Furthermore, the attests that it will not act in any manner that is detrimental to any State project on which the Offeror is rendering services. Specifically, the Offeror attests that:

1. The fulfillment of obligations by the Offeror, as proposed in the response, does not violate any existing Contracts or Agreements between the Offeror and the State.
2. The fulfillment of obligations by the Offeror, as proposed in the response, does not and will not create any conflict of interest, or perception thereof, with any current role or responsibility that the Offeror has with regard to any existing Contracts or Agreements between the Offeror and the State.
3. The fulfillment of obligations by the Offeror, as proposed in the response, does not and will not compromise the Offeror's ability to carry out its obligations under any existing Agreements between the Offeror and the State.
4. The fulfillment of any other contractual obligations that the Offeror has with the State will not affect or influence its ability to perform under any Agreement with OTDA resulting from this RFP.
5. During the negotiation and execution of any Agreement resulting from this RFP, the Offeror will not knowingly take any action or make any decision which creates a Potential for conflict of interest or might cause a detrimental impact to the State as a whole including, but not limited to, any action or decision to divert resources from one State project to another.
6. In fulfilling obligations under each of its State contracts, including any Agreement which results from this RFP, the Offeror will act in accordance with the terms of each of its State contracts and will not knowingly take any action or make any decision which might cause a detrimental impact to the State as a whole including, but not limited to, any action or decision to divert resources from one State project to another.
7. No former officer or employee of the State who is now employed by the Offeror, nor any former officer or employee of the Offeror who is now employed by the State, has played a role with regard to the administration of this procurement in a manner that may violate section 73(8)(a) of the State Ethics Law.
8. The Offeror has not and shall not offer to any employee, member, or director of OTDA any gift, whether in the form of money, service, loan, travel, entertainment, hospitality or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence said employee, member, or director, or could reasonably be expected to influence said employee, member, or director in the performance of the official duty of said employee, member, or director or was intended as a reward for any official action on the part of said employee member, or director.

Offerors responding to this RFP should note that OTDA recognizes that conflicts may occur in the future because an Offeror may have existing or new relationships. OTDA will review the

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nature of any such new relationship and reserves the right to terminate the Agreement for cause if, in its judgment, a real or potential conflict of interest cannot be cured. Signature:

_____ Date:

_____ Name:

Title: _____ **Note:** This form must be signed by an authorized executive or legal representative (person that is authorized to bind the Offeror contractually).

**NON-COLLUSIVE BIDDING CERTIFICATION REQUIRED BY
SECTION 139-D OF THE STATE FINANCE LAW**

SECTION 139-D. Statement of Non-Collusion in bids to the State:

BY SUBMISSION OF THIS BID, BIDDER AND EACH PERSON SIGNING ON BEHALF OF BIDDER CERTIFIES, AND IN THE CASE OF JOINT BID, EACH PARTY THERETO CERTIFIES AS TO ITS OWN ORGANIZATION, UNDER PENALTY OF PERJURY, THAT TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF:

[1] The prices of this bid have been arrived at independently, without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other Bidder or with any competitor,

[2] Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other Bidder or to any competitor, and

[3] No attempt has been made or will be made by the Bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

A BID SHALL NOT BE CONSIDERED FOR AWARD NOR SHALL ANY AWARD BE MADE WHERE [1], [2], AND [3] ABOVE HAVE NOT BEEN COMPLIED WITH; PROVIDED HOWEVER, THAT IF IN ANY CASE THE; BIDDER(S) CANNOT MAKE THE FOREGOING CERTIFICATION. THE BIDDER SHALL SO STATE AND SHALL FURNISH BELOW A SIGNED STATEMENT WHICH SETS FORTH IN DETAIL THE REASONS THEREFORE;

[AFFIX ADDENDUM TO THIS PAGE IF SPACE IS REQUIRED FOR STATEMENT.]

Subscribed to under penalty of perjury under the laws of the State of New York, this ____ day of _____, 200__ as the act and deed of said corporation or partnership.

Exhibit 1: Non-Collusive Bidding Certification-3

Identifying Data

Potential Contractor: _____

Address: _____

Street

City, Town, etc.

Telephone: _____ Title: _____

If applicable, Responsible Corporate Officer

Name: _____ Title: _____

Signature: _____

Joint or combined bids by companies or firms must be certified on behalf of each participant.

Legal name of person, firm or corporation

Legal name of person, firm or corporation

By _____
Name

Name

Title

Title

Address _____
Street

Street

City State

City State

PROHIBITING CONTRACTS WITH ENTITIES THAT SUPPORT DISCRIMINATION

EO 177 Certification

The New York State Human Rights Law, Article 15 of the Executive Law, prohibits discrimination and harassment based on age, race, creed, color, national origin, sex, pregnancy or pregnancy-related conditions, sexual orientation, gender identity, disability, marital status, familial status, domestic violence victim status, prior arrest or conviction record, military status or predisposing genetic characteristics.

The Human Rights Law may also require reasonable accommodation for persons with disabilities and pregnancy-related conditions. A reasonable accommodation is an adjustment to a job or work environment that enables a person with a disability to perform the essential functions of a job in a reasonable manner. The Human Rights Law may also require reasonable accommodation in employment on the basis of Sabbath observance or religious practices.

Generally, the Human Rights Law applies to:

- all employers of four or more people, employment agencies, labor organizations and apprenticeship training programs in all instances of discrimination or harassment;
- employers with fewer than four employees in all cases involving sexual harassment; and,
- any employer of domestic workers in cases involving sexual harassment or harassment based on gender, race, religion or national origin.

In accordance with Executive Order No. 177, the Bidder hereby certifies that it does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status, or other protected status under the Human Rights Law.

Executive Order No. 177 and this certification do not affect institutional policies or practices that are protected by existing law, including but not limited to the First Amendment of the United States Constitution, Article 1, Section 3 of the New York State Constitution, and Section 296(11) of the New York State Human Rights Law.

Contractor: _____

By: _____

Name: _____

Title: _____

Date: _____

Sexual Harassment Prevention Certification

State Finance Law §139-I requires bidders on state procurements to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment training (that meets the Department of Labor’s model policy and training standards) to all its employees. “By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies its own organization, under penalty of perjury, that the bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law.”

Contractor:

Printed Name: _____

Title: _____

Signature: _____

Date: _____

Bids that do not contain the certification will not be considered for award; provided however, that if the bidder cannot make the certification, the bidder may provide a signed statement with their bid detailing the reasons why the certification cannot be made.