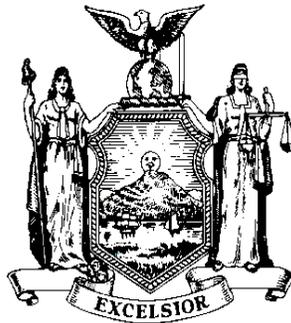


**Targeted Assistance Grant
(TAG)**

**REQUEST FOR PROPOSALS
AND
APPLICATION**

December 16, 2010

**STATE OF NEW YORK
DAVID A. PATERSON
GOVERNOR**



**NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE**

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PART A - SUMMARY INFORMATION

I. INTRODUCTION

The New York State Office of Temporary and Disability Assistance (OTDA), Bureau of Refugee and Immigrant Assistance (BRIA), issues this Request for Proposals (RFP) to select agencies/entities from designated counties to provide employment, training and other needed services to assist eligible refugees and other eligible persons and their families in achieving economic and social self-sufficiency as soon as possible after their arrival in the United States. Successful applicants will be awarded a 63 month multi-year contract.

The Request for Proposals (RFP) is issued pursuant to the Refugee Act of 1980, as amended (Public Law 96-212), and subpart L, part 400 of Title 45 of the Code of Federal Regulations.

The Federal Office of Refugee Resettlement (ORR) provides funds to states through the Targeted Assistance Grant Program (TAG) to "... provide, through a process of local planning and implementation, direct services in designated counties intended to result in the economic self-sufficiency and reduced welfare dependency of refugees through job placements" as cited in ORR State Letter 03-16. Counties are designated by the federal government as TAG eligible because of factors such as unusually large refugee populations (including secondary migration), high refugee concentrations, and high use of public assistance by refugees. In New York State the designated eligible counties are Richmond, New York, Bronx, Kings, Queens (hereafter referred to as NYC), Monroe, Onondaga, Oneida and Erie as cited in the Federal Register published on May 28, 2002 (67 FR 36905).

For the designated contract term OTDA/BRIA is anticipating receipt of approximately \$16 million in Office of Refugee Resettlement (ORR) Targeted Assistance funds.

The deadline for receipt of proposals is January 20, 2011 @ 4:00 p.m. in the Albany Office. See page 4 for additional information.

Eligible applicants must complete and submit all forms, narratives and relevant attachments required by this RFP. Required forms are listed on the "Application Submission Checklist" on page 78. Pay particular attention to the Minority and Women Owned Business (M/WBE) participation requirements.

All proposals will be reviewed to determine if the following minimum requirements are met:

- Only proposals submitted by Eligible Grant Applicants, as defined on page 6 of this RFP, will be accepted for review.
- Only proposals that serve an eligible target population, as defined on pages 9 - 10 of this RFP, will be accepted for review.

If it is determined that the application fails to meet these minimum requirements the proposal will be disqualified.

If selected, the proposal and all parts of it submitted in response to this RFP may become part of a contract with OTDA/BRIA, subject to approval by the New York State Attorney General and the Office of the State Comptroller. At the time of contract development, awardees will be required to submit additional payment schedules, program information and any revised M/WBE forms and documents for the final contract. Successful grantees will be required to submit all final contract documents, narratives and payment schedules electronically, with the exception of documents requiring an original signature. OTDA/BRIA reserves the right to negotiate any aspect of a proposal other than rates of payment in order to ensure that the final agreement meets OTDA/BRIA objectives.

II. PROCUREMENT SCHEDULE

Release Date of the Request for Proposals.....	December 16, 2010
Bidders' Forum in Albany	January 4, 2011
Deadline for written Questions.....	January 6, 2011
Response to Questions.....	January 13, 2011
Due Date and Time for Proposals.....	January 20, 2011 @ 4 p.m.
Anticipated Notification of Awards.....	February 17, 2011
Anticipated Contract Start Date.....	March 1, 2011

OTDA/BRIA reserves the right to modify any of the cited dates.

BIDDERS' FORUM: *Participation at the bidders' forum is voluntary. OTDA/BRIA staff will entertain certain questions about the RFP and its processes at the forum, to be held at the following location.*

January 4, 2011

11:00 a.m. – 1:00 p.m.

Albany Training Center

University Administration Building

1215 Western Avenue - Room 437

Albany, NY 12222

Note: Parking for the training center is in the "Gold" Administration lot adjacent to 1215 Western Avenue. You must have a parking pass. Parking passes are available electronically on the OTDA/BRIA Contract and Grant Opportunities under the Targeted Assistance Grant RFP.

QUESTIONS AND ANSWERS REGARDING THIS RFP

Prospective applicants may submit questions via fax, email or written correspondence to the individual and address below. Questions must be submitted no later than January 6, 2011.

Wanda Byrd
New York State Office of Temporary and Disability Assistance
Bureau of Refugee and Immigrant Assistance
40 North Pearl Street, 10th Floor, Section C
Albany, New York 12243-0001
Fax: (518) 402-3029

Email: wanda.byrd@otda.state.ny.us

OTDA/BRIA will respond in writing to questions by January 13, 2011. A written copy of the questions and answers will be either mailed or e-mailed to applicants who request one. Questions and answers also will be posted on the OTDA/BRIA *Contract and Grant Opportunities* web page, located at <http://www.otda.state.ny.us>.

OTDA/BRIA reserves the right to respond to questions submitted after the deadline.

PROPOSAL DUE DATE

One original and three copies *or* one original and three CDs (CDs must be labeled clearly with the agency name) of the entire application submission package (not stapled, bound or paper clipped) (see page 42) must be sent to the Bureau of Contract Management at the address below. All proposals *must* be received by mail, hand delivery, courier service, FEDEX or UPS delivery by **4pm on January 20, 2011**. Any proposal received after the deadline may be reviewed at the discretion of OTDA/BRIA. OTDA/BRIA will not accept faxed proposals, or proposals sent via electronic mail.

NYS OTDA
Bureau of Contract Management
Attn: Sal Pamadora
40 North Pearl Street- 13th Floor, Section B
Albany, New York 12243-0001
Phone: (518) 486-6352 (For Delivery Questions Only)

III. PROGRAM DESCRIPTION AND DEFINITION OF TERMS

The purpose of the Targeted Assistance Program (TAG) is to assist eligible, documented refugees (and others with an eligible immigration status) and their families to achieve economic and social self-sufficiency as soon as possible through training, employment services, and other needed services. Transitional services are also provided to ensure continued employment and to enhance opportunities for advancement.

Service eligibility is for an individual's first five years from the date of arrival in the United States or from the date an eligible immigration status is granted. However, service providers under contract through this program will be expected to promote employment and self-sufficiency within a much shorter period.

The following are definitions of terms used in the RFP:

BRIA Information Network (BIN) – An Internet-based system that enables service providers statewide to enter client information for eligibility screening, service planning, service completion, and voucher preparation. From the data collected through BIN, BRIA prepares required federal reports and ad hoc management reports.

Unsubsidized Employment – A paid position in which the employer is responsible for payment of wages and standard payroll deductions.

Match Grant - Federal program designed to sustain new refugees for up to four months from the date of arrival in the United States or date of status change while assisting them to obtain early employment.

IV. ELIGIBLE GRANT APPLICANTS

Grant applicants must be from the counties designated by the federal Office of Refugee Resettlement (ORR). Eligible applicants include public agencies, county or municipal governments, or any subdivision; not-for-profit corporations, including charitable organizations incorporated, registered and in good standing with the charities Bureau of the Attorney General in the State of New York; and faith based organizations and educational institutions.

Prospective applicants who want to verify their status as a charitable organization should contact the Office of New York State Attorney General, Charities Bureau at 1(800)771-7755 or on the internet at <http://www.oag.state.ny.us>

In order to be notified of future requests for proposals you must be registered on the bidders list. Complete instructions on how to register can be found at the following website: http://otda.state.nyenet/psqi/bcm/Bidder_Form_Instructions.asp

V. SERVICE STRATEGY

1. Program Intent

OTDA intends to fund local agencies from the federally-designated counties that will provide a comprehensive program that will provide training and employment services to assist refugees and their families in achieving economic and social self-sufficiency as soon as possible after their arrival in the United States. The services listed under this request for proposals are aimed at strengthening and supporting the ability of a refugee individual and family to achieve and maintain economic self-sufficiency and family stability, and to effectively integrate with the community. OTDA believes that these services address both training and employment needs and the barriers to employment that refugees typically face. Effective delivery of these services will result in a more substantial integration of refugees.

The program design will allow contractors to tailor their services to the needs of the local populations they plan to serve. The required elements for a successful program are described in detail below.

2. Important TAG Program Concepts

a. Application and Assessment

Contractors will be expected to provide a comprehensive TAG program which: screens clients to ensure that they are eligible; assesses their employability; prepares employment plans; provides short term training with a goal of obtaining employment; assists clients to find appropriate jobs through job development and employer contacts; provides supports to clients on the job so that they can remain employed and work towards achieving self-sufficiency.

Service delivery follows a complete assessment, which includes:

- Obtaining intake information
- Reviewing immigration documentation to determine eligibility
- Preparing a Family Self-Sufficiency Plan in conjunction with the client and family members. The plan compares the household's current monthly income to expenses and determines a projected income goal to attain self-sufficiency. It also identifies the client's educational background, employment history, strengths, skills, barriers to employment, immediate steps and long term goals to obtain employment.

b. Job Development

Contractors will be expected to incorporate certain job development strategies into the services they provide. Through outreach and employer research, job development results in the identification and/or creation of job openings suitable for refugee clients after which refugee clients are referred to such specific job openings. A major factor

in achieving program success is recruiting prospective employers who are willing to invest the time, effort and resources for the integration of program participants into their workforce. To ensure long-term job retention for refugee participants, care must be taken in identifying suitable employment placements in organizations that can accommodate the refugee's particular needs and match his/her career goals and interests.

c. Employment Preparation

Employment Preparation often includes pre-employment services such as:

- job orientation activities that include introduction to U.S. workplace expectations and norms,
- development of job search and interviewing skills,
- development of client resumes,
- assistance with job applications, and
- training in the use of public transportation.

Contractors may provide employment preparation services to clients on an individual basis or in groups. The provision of employment preparation services must be based on individual client needs as identified and documented during initial assessment for employment services or during ongoing contact with the client. Employment preparation services must not delay job search and placement and should be provided concurrently with job placement activities.

d. Transitional Supports

Transitional support services are designed to help the refugee obtain and retain his/her job and/or obtain and maintain self-sufficiency. Examples include assisting the client in obtaining child care, transportation to the job, and information about and referral to other services that will help the refugee maintain employment/self-sufficiency including translation and interpretation. All services provided must address needs documented in the client file and must be directly related to addressing barriers in obtaining or retaining employment and/or self-sufficiency.

e. Training

Training provided under this program must be short term (no longer than 6 months in length) so that the refugee has an opportunity to obtain employment within one year of enrollment in the program. The types of allowable training are:

- Vocational Classroom Training
- Vocational English Language Training
- On-the-Job Training
- Skills Recertification
- Supported Work

- Mentorship

3. Program Administration

A comprehensive TAG program will proactively monitor its program goals on a regular basis. OTDA/BRIA expects contract agencies to do the following:

- Program and/or executive directors (depending on your organization's internal structure), case managers, and job developers will meet regularly to review refugee needs, employer needs and employment opportunities so that the program's method of service delivery remains current and effective;
- TAG staff, including program and/or executive directors will use BRIA Information Network (BIN)-generated reports to review quarterly, annual and overall program performance;
- Program/executive directors will be vigilant about submission of quarterly vouchering claims as another method of monitoring program performance; and
- TAG contractors will identify and utilize a file organization technique that works for their organization. Program and/or executive directors will review files in order to stay attuned to refugee issues related the TAG program.

VI. ELIGIBLE CLIENTS

Funds that are granted through the Targeted Assistance Grant program may be used for services for persons who are eligible based on their immigration status, age and their length of stay in the United States or length of time in status, as follows:

Eligible Immigration Status

- A *refugee*, admitted under Section 207 of the Immigration Naturalization Act (INA).
- An *asylee*, granted asylum status under Section 208 of the INA.
- A Cuban or Haitian *entrant* as defined in subdivision (e) of Section 501 of the Refugee Education Assistance Act of 1980.
- An alien admitted into the United States as an *Amerasian immigrant* as described in Section 402(a) 2 (A) (I) (V) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 USC. 1612 (a) 2 (A)).
- A *Parolee* admitted as a refugee or asylee under section 212(d) (5) of the Immigration and Nationality Act (INA).
- A *Certified Trafficking Victim* who has received a certification or eligibility letter from the federal Office of Refugee Resettlement (ORR).
- Certain *family members of a certified trafficking victim* as described in Section 101 (A) (15) (T) (ii) of the INA.
- *Iraqis and Afghans Granted Special Immigrant Status* as described in Section 101 (a)(27) of the Immigration and Nationality Act (INA)

- A *Lawfully Permanent resident* admitted for permanent residence, provided that the individual previously held one of the aforementioned statuses above.

Age

Clients must be 16 years of age or older and not full-time students in elementary or secondary school.

Length of time in the U.S. or in Immigration Status

Services may be provided to eligible persons who have been in the United States for up to 60 months (five years) from the date of arrival or from the date the eligible immigration status is granted. All client eligibility for services expires on the last day of the 60th month following the refugee's date of arrival into the United States or the date that asylum status is granted to an asylee or the date that a trafficking victim is certified by the Office of Refugee Resettlement or the date that status is granted to the certain family members of the certified trafficking victim.

NOTE: For the purpose of this RFP, eligible persons will hereafter be referred to as "refugees" unless special circumstances apply. In the event of federal regulation changes that affect the type of immigration status eligible for these services, contractors will be notified of the change and required to comply with the new criteria for client eligibility.

County Requirements

Clients must live in one of the federally designated counties in order to be eligible for services under the TAG contract.

VII. INELIGIBLE CLIENTS

Residency-Client eligibility is limited to refugees who reside in one of the federally-designated counties for this program. Therefore residents of other New York State counties are not eligible for this program.

Match Grant Restriction – TAG contractors must prevent duplication of services and duplication of reimbursement with another federally-funded program called Match Grant. TAG contractors therefore must not provide employment services, with the exception of Vocational Classroom Training and On-the-Job Training, to active Match Grant clients.

VIII. FUNDING LIMITATIONS AND PROVISIONS

AVAILABLE FUNDS

Anticipated allocations and continuations of contracts are subject to continued availability of federal funds and state appropriation of the funds thereof. Only federal funds designated for the Targeted Assistance Program are available through this RFP. It is estimated that approximately \$3,259,942 million in targeted assistance funding will be available for the first budget period, beginning March 1, 2011.

DISTRIBUTION OF FUNDS

The federal Office of Refugee Resettlement (ORR) determines the amount of funds to be made available to each designated county. BRIA will award funds to the selected contractor(s) within each designated county. Within the designated counties, BRIA seeks to ensure that the awardee or awardees provides TAG services to the greatest number and diversity of eligible refugees.

The anticipated initial ORR allocations to each federally-designated county, which will be distributed to the selected contractor(s) for the first Budget Period of the contracts, are as follows:

County	Budget Period 1
New York City	\$1,192,112
Erie County	\$681,166
Monroe County	\$377,493
Oneida County	\$268,645
Onondaga County	\$577,529
Total	\$3,096,945

Awards will be made to qualified applicants in the order of the highest scoring proposals for each federally designated county until all available funds are exhausted, with the following exceptions:

1. In New York City, if there are other qualified proposals, no one applicant will be awarded more than 12.5% of the total available funds.
2. In Erie County, if there are other qualified proposals, no one applicant will be awarded more than 50% of the total available funds.

Initial contract awards to successful applicants and the corresponding award for the first budget period are the result of this competitive procurement. During the contract term, however, *subsequent* budget period awards (see budget period explanation in below) will be based on available funding, continuing need, and satisfactory contractor performance, as evidenced by voucher claims and program monitoring.

When making subsequent budget period awards, OTDA reserves the right to do any of the following in a county with more than one contractor:

- Reallocate funding from contractor to contractor
- Suspend a budget period award to an underperforming contractor
- Award a lesser budget period award than was awarded in a previous budget period(s) to an underperforming contractor
- Award a higher budget period award than was awarded in a previous budget period(s) to an over-performing contractor

CONTRACT TERM AND BUDGET PERIODS

This RFP governs the provision of funds for the anticipated 63-month contract term starting on March 1, 2011 and ending on May 31, 2016. A Work Plan will be required for the 63-month contract term. Each contract will initially require two payment schedules; one for the contract's full 63-month term and one for the first 12-month budget period.

Although the total contract period is 63 months, service delivery is expected for only the first 60 months. The last three months of the contract term are only for recording and claiming the specific contract outcomes (90-day job retention and self-sufficiency) that occur as a result of contractor activities during the first 60 months.

During the course of the contract, funds will be made available to contractors for each pre-established budget period. A twelve-month payment schedule will be required from the contractor for each budget period. BRIA anticipates that there will be five budget periods within the contract term:

- Budget Period I: March 1, 2011 to February 28, 2012
- Budget Period II: March 1, 2012 to February 28, 2013
- Budget Period III: March 1, 2013 to February 28, 2014
- Budget Period IV: March 1, 2014 to February 28, 2015
- Budget Period V: March 1, 2015 to February 28, 2016

IX. FEDERAL PROGRAM REQUIREMENTS

Federal requirements for the Targeted Assistance Program (45 CFR 314) instruct state Targeted Assistance Programs to provide services to eligible refugees in the following order of priority, except in certain individual extreme circumstances.

- a. Cash assistance recipients, particularly long-term recipients;
- b. Unemployed refugees who are not receiving cash assistance; and
- c. Employed refugees in need of services to retain employment or to attain economic independence.

X. SPECIFIC PROGRAM INFORMATION

PERFORMANCE- BASED CONTRACTS

The TAG contracts are performance-based, with a focus on results achieved through delivery of allowable services. Compensation is directly tied to the completion of service outcomes or payment points. Upon documentation of the provision of an allowable service or a number of services to a client, a contractor claims an achieved payment point and is paid for the payment point at the established rate, as defined in the contract.

Under this performance based contract:

- Contractors will not be reimbursed for line item expenses.

- OTDA reimburses for payment points (service outcomes) achieved by a contractor at the contracted rate within the contract term.
- The applicant's award request is calculated by multiplying the rates for each payment point by the units to be achieved per payment point.
- OTDA will pay the contractor only for those contracted payment points that are achieved through service delivery, are properly documented in case records, and are within the scope of the RFP and any resulting executed contract and/or amendment.

Contractors' performance data, along with allocation data such as award amounts, contract periods, program sites, locations served, and spending information may be posted on OTDA's web site as required.

PAYMENT POINTS

This section (Payment Point Definitions, Allowable Services, and Documentation Requirements) defines the parameters of each payment point and its documentation requirements and guides you in projecting the service levels and allocating funds to each payment point.

OTDA requires that *all* payment points be provided.

All TAG payment points are "client-specific". This refers to services and resulting payment points that are provided directly to an *individual client* and claimed for that particular client. In order to be reimbursed for a payment point under this contract, the contractor must have completed an Application for Services and a Family Self Sufficiency Plan, using BIN generated forms (or other OTDA/BRIA approved forms).

*In the event of federal regulation or rule changes that affect the definitions and/or allowable services in the chart below, contractors will be notified of the change(s) and required to comply with the new definitions and/or allowable services.

Payment Point Definition	Allowable Services	Documentation Requirements
<p>Employment Preparation</p> <p>The contractor provides job preparation services to enrolled clients.</p>	<p>The contractor provides one allowable service to the individual.</p> <p>Allowable Services</p> <ul style="list-style-type: none"> • Employment skills preparation • Interviewing skills preparation • Job application assistance • Job club • Job coaching • Job counseling • Job orientation • Job readiness • Job search • Job workshop • Resume preparation • World of work orientation <p>Other services or activities that have been approved by OTDA in writing</p>	<ul style="list-style-type: none"> • Proof of Immigration status; • Application for Services – signed and dated by both the client and agency representative once the application is complete and prior to services being provided. The agency supervisor must sign and date the application within 30 days of the client and agency representative signatures or prior to the submission of a voucher, whichever date is earlier; • Family Self Sufficiency Plan (FSSP) – signed and dated by both the client and agency representative once the FSSP is complete and prior to services being provided. The agency supervisor must sign and date the FSSP within 30 days of the client and agency representative signatures or prior to the submission of a voucher, whichever date is earlier; • Detailed case note entry of services provided to the individual and any other such documentation as required by OTDA

<p>Training Completion</p> <p>The client completes the requirements for the specific short-term training program (no longer than 6 months in length).</p> <p>Types of allowable trainings:</p> <ol style="list-style-type: none"> 1. Vocational classroom training 2. Vocational English language training 3. On-the-job training 4. Skills recertification 5. Supported work 6. Mentorship <p>Other trainings that have been approved by OTDA in writing</p>	<p>The contractor must complete the required services listed below:</p> <ul style="list-style-type: none"> • Provide pre-enrollment testing • Enroll student into training • Monitor student performance through progress reports • Provide post-testing after completion of training 	<ul style="list-style-type: none"> • Proof of Immigration status • Application for Services – signed and dated by both the client and agency representative once the application is complete and prior to services being provided. The agency supervisor must sign and date the application within 30 days of the client and agency representative signatures or prior to the submission of a voucher, whichever date is earlier. • Family Self Sufficiency Plan – signed and dated by both the client and agency representative once the FSSP is complete and prior to services being provided. The agency supervisor must sign and date the FSSP within 30 days of the client and agency representative signatures or prior to the submission of a voucher, whichever date is earlier. • Detailed case note entry of services provided to the individual and any other such documentation as required by OTDA • Copy of pre-test • Attendance sheet (Vocational classroom training, Vocational English language training and Skills recertification only) • Documentation of On-the-job training, Supported work or Mentorship (i.e., copy of agreement) • Progress reports • Copy of post-test
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<p>Job Placement 1</p> <p>Through a documented direct written referral from the contractor to the client for a job placement with an employer, the client obtains unsubsidized employment.</p> <p>The gross starting wages for the job must be equal to or greater than the equivalent of 30 hours per week @ minimum wage.</p> <p><u>Unsubsidized Employment</u> means a paid position in which the employer is responsible for payment of wages and standard payroll deduction.</p>	<p>The contractor must complete the required services listed below:</p> <ul style="list-style-type: none"> • Provide the client with a documented direct written referral to an employer for the related job placement • Verify that the client reported to work including the start date, hourly wage and number of hours per week expected to work 	<ul style="list-style-type: none"> • Proof of Immigration status; • Application for Services - signed and dated by both the client and agency representative once the application is complete and prior to services being provided. The agency supervisor must sign and date the application within 30 days of the client and agency representative signatures or prior to the submission of a voucher, whichever date is earlier; • Family Self Sufficiency Plan - signed and dated by both the client and agency representative once the FSSP is complete and prior to services being provided. The agency supervisor must sign and date the FSSP within 30 days of the client and agency representative signatures or prior to the submission of a voucher, whichever date is earlier; • Job referral letter or form • Case note documentation of contact with the employer via phone, fax, email or site visit verifying that client reported to work including start date, hourly wage and number of hours per week expected to work OR copy of a paystub containing all of the aforementioned information
<p>Job Placement 2</p> <p>A client obtains unsubsidized employment after receiving Employment Preparation services from the contractor.</p> <p>The gross starting wages for the job must be equal to or greater than the equivalent of 30 hours per week @ minimum wage.</p> <p><u>Unsubsidized Employment</u> Means a paid position in which the employer is responsible for payment of wages and standard payroll deduction.</p>	<p>The contractor must complete the required service listed below:</p> <ul style="list-style-type: none"> • Verify that the client reported to work including the start date, hourly wage and number of hours per week expected to work <p>Prerequisite: One Employment Preparation payment point</p>	<ul style="list-style-type: none"> • Proof of Immigration status; • Application for Services - signed and dated by both the client and agency representative once the application is complete and prior to services being provided. The agency supervisor must sign and date the application within 30 days of the client and agency representative signatures or prior to the submission of a voucher, whichever date is earlier; • Family Self Sufficiency Plan - signed and dated by both the client and agency representative once the FSSP is complete and prior to services being provided. The agency supervisor must sign and date the FSSP within 30 days of

		<p>the client and agency representative signatures or prior to the submission of a voucher, whichever date is earlier;</p> <ul style="list-style-type: none"> • Case note documentation of contact with the employer via phone, fax, email or site visit verifying that client reported to work including start date, hourly wage and number of hours per week expected to work OR copy of a paystub containing all of the aforementioned information
<p>Job Placement Bonus</p> <p>The contractor may claim a bonus when Job Placement 1 or Job Placement 2 meets one of the three bonus criteria.</p>	<p>Allowable Services</p> <p>Job Placement Bonus criteria are as follows::</p> <ol style="list-style-type: none"> 1. A person has resided in the US for 36 months or more from the date of status and is receiving Public Assistance at the time of application. 2. A higher-level job placement with earnings equal to or greater than the equivalent of 30 hours per week at double minimum wage or earnings equal to or greater than the equivalent of minimum wage at 30 hours per week with health benefits available. 3. A job placement that resulted from a related training through this program and contact. 	<ul style="list-style-type: none"> • Proof of Immigration status; • Application for Services – signed and dated by both the client and agency representative once the application is complete and prior to services being provided. The agency supervisor must sign and date the application within 30 days of the client and agency representative signatures or prior to the submission of a voucher, whichever date is earlier; • Family Self Sufficiency Plan – signed and dated by both the client and agency representative once the FSSP is complete and prior to services being provided. The agency supervisor must sign and date the FSSP within 30 days of the client and agency representative signatures or prior to the submission of a voucher, whichever date is earlier; • Case note documentation of contact with the employer via phone, fax, email or site visit verifying that client reported to work including start date, hourly wage and number of hours per week expected to work (and, when claiming Job Placement Bonus criteria # 2, availability of health benefits) OR copy of a paystub containing all of the aforementioned information

<p>90 Day Job Retention</p> <p>The client obtains unsubsidized employment and has continued employment for 90 consecutive days from the start date.</p> <p>The wages for the job at 90 days must be equal to or greater than the equivalent of 30 hours per week @ minimum wage.</p> <p><u>Unsubsidized Employment</u> Means a paid position in which the employer is responsible for payment of wages and standard payroll deduction.</p>	<p>The contractor must complete the required services listed below:</p> <ul style="list-style-type: none"> • Employment support to follow up with the client and/or employer during the 90 day period to ensure retention • Verify client’s continued employment for 90 consecutive days 	<ul style="list-style-type: none"> • Proof of Immigration status; • Application for Services – signed and dated by both the client and agency representative once the application is complete and prior to services being provided. The agency supervisor must sign and date the application within 30 days of the client and agency representative signatures or prior to the submission of a voucher, whichever date is earlier; • Family Self Sufficiency Plan – signed and dated by both the client and agency representative once the FSSP is complete and prior to services being provided. The agency supervisor must sign and date the FSSP within 30 days of the client and agency representative signatures or prior to the submission of a voucher, whichever date is earlier; • Case note documentation of Employment Support • Case note documentation of contact with the employer via phone, fax, email or site visit verifying start date, continued employment for 90 consecutive days, hourly wage and number of hours per week expected to work OR copies of paystubs containing all of the aforementioned information
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<p>Transitional Supports</p> <p>The contractor provides or refers to one allowable service for an enrolled individual to address barriers to obtaining and maintaining employment <i>and/or</i> to promote progress towards self-sufficiency.</p> <p><i>A Transitional Support service may be claimed only when the individual has completed the service. Completion is defined as provision of the service consistent with the individual’s</i></p>	<p>Allowable Services</p> <ul style="list-style-type: none"> • Child care services • Citizenship assistance services for post-48 month residents • Clothing assistance service • Completion and submission of an application for public benefits/services • Crisis intervention • DMV/New York State ID assistance • Domestic violence services • Drug and alcohol abuse services • Educational support services for 	<ul style="list-style-type: none"> • Proof of Immigration Status; • Application for Services - signed and dated by both the client and agency representative once the application is complete and prior to services being provided. The agency supervisor must sign and date the application within 30 days of the client and agency representative signatures or prior to the submission of a voucher, whichever date is earlier; • Family Self Sufficiency Plan – signed and dated by both the client and agency representative once the FSSP is complete and
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<p><i>Family Self Sufficiency Plan including attainment of the desired results.</i></p> <p><i>A Transitional Support referral to an outside agency other than your own (for services or activities as approved by OTDA) may be claimed only when the individual has engaged in the referral. Engagement is defined as individual acceptance and commencement of the service.</i></p>	<p>children and families</p> <ul style="list-style-type: none"> • Employer-employee problem solving/mediation services • Basic ESL services • Family and marital counseling services (non-domestic violence) • Food assistance services • Furniture assistance services • Health care services • Housing services • Interpretation services • Mental health services • Mentorship services • Personal budgeting/Financial management services • Post-employment employment services • Referral • Social adjustment/Acculturation services • Transportation services • Translation and interpretation services • Other services or activities that have been approved by OTDA in writing 	<p>prior to services being provided. The agency supervisor must sign and date the FSSP within 30 days of the client and agency representative signatures or prior to the submission of a voucher, whichever date is earlier;</p> <ul style="list-style-type: none"> • Detailed case note entry of services and/or referrals provided to the individual and any other such documentation as required by OTDA • Service referral letters or forms and Service engagement letters or forms (for referrals only).
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<p>Self-Sufficiency</p> <p>The cash assistance or cash assistance eligible client obtains unsubsidized employment and has been employed 90 consecutive days or more and the total monthly earnings from the job(s) and other household income, excluding cash grants from local social service districts and SSI, are equal to or greater than 125% of the poverty guidelines chart for that household size at that time.</p>	<p>The contractor must complete the required services listed below:</p> <ul style="list-style-type: none"> • Gather proof of income once the client has been employed for 90 consecutive days • Show calculation of household income to be at or above the 125% poverty level for the household size and documentation of self-sufficiency 	<ul style="list-style-type: none"> • Proof of Immigration Status; • Application for Services - signed and dated by both the client and agency representative once the application is complete and prior to services being provided. The agency supervisor must sign and date the application within 30 days of the client and agency representative signatures or prior to the submission of a voucher, whichever date is earlier; • Family Self Sufficiency Plan- signed and dated by both the client and agency representative once the FSSP is complete and prior to services being provided. The agency supervisor must sign and date the FSSP within 30 days of the client and agency representative signatures or prior to the submission of a voucher, whichever date is earlier; • Case note documentation of contact with the employer via phone, fax, email or site visit verifying start date, continued employment for 90 consecutive days, hourly wage and number of hours per week expected to work OR copies of paystubs containing all of the aforementioned information • Calculation to demonstrate household income to be at or above the 125% poverty level for the household size.
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<p>Consortium</p> <p>To promote refugee self-sufficiency, the contractor establishes and facilitates an inter-agency forum among organizations that serve refugees within their designated county.</p> <p>Consortium meetings will be held quarterly.</p> <p>Note: Only 1 agency will be awarded this payment point in each designated county and one in NYC.</p>	<p>The contractor must complete the required services listed below:</p> <ol style="list-style-type: none"> 1. Prepare for meeting and agenda 2. Record and distribute minutes 3. Lead and facilitate meeting 	<ul style="list-style-type: none"> • Copy of the agenda • Sign-in sheet that includes date, time and location of the consortium meeting • Record of minutes
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Additional Payment Point Information

All references to “the contractor” in the Payment Point Definitions refer to the contractor or subcontractor.

Employment Preparation

All allowable services of Employment Preparation are specifically defined in a contractor’s approved work plan. If an Employment Preparation allowable service is not described in the work plan of the executed contract, a contractor cannot claim the service.

Training Completion

A Training Completion payment point may be obtained *only* for any of the allowable trainings specifically defined in a contractor’s approved work plan. The description must include the following elements: type of training, length of training, and anticipated job opportunities that will result from the training. If an allowable training is not described in the work plan of the executed contract, a contractor cannot claim the training.

Training must be completed within a period of time such that a client may be placed at a job no later than 12 months after enrollment of the client in the TAG program.

Descriptions of the allowable training types are listed below:

- **Vocational Classroom Training:**
Vocational Classroom Training is a formal vocationally oriented class conducted for a specified time to learn job skills for employment in currently open employment fields. *To claim a completion, at least 67% of the class hours must be completed.*

- **Vocational English Language Training:**
 Vocational English Language Training (VELT) is assessment and instructional activities that assist refugees to improve their English language competency, with an emphasis on Vocationally-Oriented English, particularly as it relates to obtaining and retaining a job. All VESL services must be provided concurrently with employment services.
To claim a completion, at least 67% of the class hours must be completed.
- **On-the-Job Training:**
 On-the-Job Training is conducted in an actual work setting where participants, as paid trainees, perform their work duties for a designated time period under the guidance and supervision of a trained worker or employer. The subsidized employment may be in the public or private sector and is expected to result in permanent, unsubsidized employment with the employer who is providing the training.
To claim a completion, documentation of the transition to unsubsidized employment must be provided.
- **Skills Recertification:**
 Skills Recertification is occupational training, including licensing renewal preparation, designed to utilize skills acquired in the country of origin for use in a related occupation in the United States.
To claim a completion, at least 67% of the skills recertification training hours must be completed.
- **Supported Work:**
 Supported Work is paid competitive work where ongoing support services are provided in an integrated setting. This includes on-site counseling, employer-employee mediation and world of work training.
To claim a completion, at least 67% of the scheduled supported work time must be completed.
- **Mentorship:**
 Mentorship is an on-the-job educational process that provides opportunities for professional development, growth and support. Mentoring experiences prepare individuals for advancement by strengthening their skills and providing them with confidence.
To claim a completion, 67% of the scheduled mentorship hours must be completed.

Job Placement 1

The contractor must provide a written referral to the client for the specific job placement. The document must contain the name, address and phone number of the employer, the name of the contact person, the date and time of the interview coordinated by the contractor, and the name of the available position. In some instances, directions to the employer’s location are also included. Even if contractor staff accompanies a client to the interview, the client must be given the documentation for their own records. The contractor maintains a copy of the direct written referral.

Note: The Job Referral services completion date entered into BIN should be the date the person is referred to the interview, not the date of the interview.

Job Placement 2

Job Placement 2 may be claimed when the refugee finds his or her own employment. However, an Employment Preparation payment point is a prerequisite. For example, after a contractor assists the client in completing employment applications on the Internet, the client secures employment on his own.

Job Placement 1 and 2

The employment must be unsubsidized with at least minimum wage plus the usual payroll deductions. Gross starting wages must be in accordance with the Fair Labor Standards Act and must be equal to or greater than the equivalent of 30 hours per week at minimum wage.

Work based on commissions is allowed only if the individual receives a base salary paid by the employer that is equal to or greater than the equivalent of 30 hours per week at minimum wage, and the base salary is in addition to any commission.

A Job Placement may be claimed for a client who has two part-time jobs. The combined gross starting wages for the jobs must be equal to or greater than the equivalent of 30 hours per week at minimum wage.

Job Placements with temporary employment agencies may occur when there is no other means of placing a client directly with a particular employer. The temporary employment agency is considered the client's employer.

Job Placement Bonus

A contractor may claim three Job Placement Bonuses for the same Job Placement if all criteria are met by that Job Placement. Also, subsequent Job Placement Bonuses may be claimed for subsequent Job Placements.

90-Day Job Retention

A 90-Day Job retention must be related to a Job Placement 1 or 2 (regardless of whether or not the contractor received or requested reimbursement for the Job Placement, or reported the Job Placement in BIN).

In the event that the individual has more than one job during the 90-day period, as long as the individual remains employed and there is no gap in employment, the 90-day period starts with the transition or hiring date of the first job.

If there is a gap in employment, the 90-day period will start with the hiring date of the subsequent job. If a client works Monday – Friday, loses his job on a Friday and begins a new job on Monday, this is not considered a gap in employment.

If a client is temporarily laid off, the 90-day period will be interrupted by the lay off period, but may resume the day the client returns to the same job.

Self-Sufficiency

Self-Sufficiency is based on receipt of or eligibility for cash assistance only. (Not Food Stamp or Medicaid receipt or eligibility).

Per 45 CFR Section 400.2, cash assistance is defined as financial assistance to refugees, including TANF, SSI, refugee cash assistance, and general assistance.

For Self-Sufficiency calculations, household size is defined as follows, as per ORR:

A household is a family unit. A family unit consists of an individual adult, married individuals without children, or parents, or custodial relatives, with minor children who are not eligible for TANF, who live in the same household.

Based on the family unit definition, ORR stipulates the use of the following Public Assistance household definition to determine who must be included in the household as part of the family unit.

Public Assistance household definition

18 NYCRR 352.30 reads as follows:

352.30 Persons included in the budget.

- (a) For budgetary purposes, the number of persons in the public assistance household is those persons who the applicant, recipient or a representative indicates wish to receive public assistance and who reside together in the same dwelling unit. The applicant or recipient must include his or her minor dependent children in the application. When a minor dependent child is named as an applicant for public assistance, his or her natural or adoptive parents and blood-related or adoptive brothers and sisters (who are also minor dependent children) must also apply for public assistance and have their income and resources applied toward the public assistance household if they reside in the same dwelling unit as the applying minor dependent child. A person required to be added to the public assistance household is deemed to be included in the application already on file as of the date the person joins the household, either by birth, adoption, or by moving into the dwelling unit of the existing public assistance household. For the purposes of this subdivision, a minor dependent child is a child who is under 18 years of age. Subject to section 352.2(b) of this Part, parents and siblings who are SSI recipients, stepbrothers and stepsisters, ineligible sponsored aliens, aliens who fail to meet the citizenship and alienage requirements in section 349.3(a) of this Title, individuals ineligible due to the lump sum provision of section 352.29(h) of this Part, or children who are receiving adoption subsidies which are exempt under section 352.22(p) of this Part are not required to apply in accordance with this subdivision. The public assistance household may also include persons who are temporarily absent from such household, such as children or minors attending school away from home whose full needs are not otherwise met.

At time of Application for Services completion

Based on the household definition above, ORR stipulates that an SSI recipient in the household must be included on the Application for Services. In some instances, the SSI recipient may be the Applicant. Any household member's SSI income however, is disregarded on the Application for Services.

At time of Self-Sufficiency determination

Based on the household definition above, ORR stipulates that any SSI recipient in the household is excluded when determining self-sufficiency. Likewise, any income from the SSI recipient, whether SSI income or any other income, is disregarded when determining self-sufficiency (by virtue of excluding the SSI recipient).

PA income standards vary from county to county so that individuals may be terminated from cash assistance at a lower threshold in some counties than in other counties. If your county's standard of need is less than 125% of the Federal Poverty Level, based on the submitted proof from your county DSS of its lower standard of need, OTDA/BRIA will pay contractors for self-sufficiency payment points when the client's earnings exceed the county's standard of need.

At the time when Self-Sufficiency is determined for a client, the client's job at that time must be *related to* the job placement (regardless of whether or not the contractor received or requested reimbursement for the Job Placement 1 or 2 and/or 90 Day Retention, or reported the Job Placement 1 or 2 and/or 90 Day Retention in BIN). The client's self-sufficiency and subsequent Self-Sufficiency payment point must be the result of the contractor's comprehensive work with the client.

BRIA will notify contractors of the new Poverty Guidelines in September of each year.

Transitional Supports

All allowable services under Transitional Supports are specifically defined in a contractor's approved work plan. If a Transitional Support allowable service is not described in the work plan of the executed contract, a contractor cannot claim the service.

Case notes documenting Transitional Support services must contain enough detail to demonstrate how the services are related to the client's progress toward self-sufficiency which may or may not be related to employment or employment goals.

Translation and Interpretation services may be claimed when another in-house staff person interprets or translates because the client's case manager (or staff person assisting the client) does not speak the client's language

Translation and Interpretation services may be claimed when the service is provided at the intake/application interview.

Consortium

The integration of refugees and their community is best achieved through collaboration among representatives of the community institutions that impact the lives of refugees. Collaborations lead to shared best practices, efficient use of resources, leverage in community affairs, broader understanding of the needs of refugees at different stages of their resettlement, and assessment of progress towards common goals. For this reason, BRIA desires each designated county to be represented by a consortium that includes such organizations or entities that are refugee service providers, various divisions of the local Department of Social Services, local health care providers, school district personnel, etc. In addition, it may be profitable to invite employers or potential employers, landlords, public transportation officials and community groups.

PAYMENT RATES

The following chart provides information regarding the payment rates for the payment points that your agency will provide. The rates have been determined using historical data.

PAYMENT POINT	NYC RATE	REST OF STATE RATE
Consortium	\$500	\$500
Employment Preparation	\$840	\$420
Training Completion	\$2,150	\$1,550
Job Placement 1	\$2,490	\$1,680
Job Placement 2	\$1,250	\$840
Job Placement Bonus	\$100	\$100
90 Day Retention	\$1,870	\$930
Transitional Supports	\$620	\$500
Self-Sufficiency	\$3,050	\$2,080

- “NYC” includes the five boroughs.
- “Rest of State” includes Oneida, Onondaga, Monroe and Erie counties.

Note: At the discretion of OTDA, at the beginning of each new budget period, all rates may be increased by 100 percent of the Consumer Price Index for the previous calendar year(s) for Urban Wage Earners and Clerical Workers, All Cities Average (1967=00 percent) as published by the Bureau of Labor Statistics, United States Department of Labor. There is a 5 percent cap on an annual escalation. In the event that the Bureau of Labor Statistics stops publishing the CPI or substantially changes the content or format thereof, the OTDA shall substitute another comparable measure published by a recognizable authoritative source.

PAYMENT LIMITATIONS

TAG limits the number of payment points per client for Employment Preparation, Training and Transitional Supports **for the contract term** because the objectives of TAG are job placement and economic self sufficiency. This section will become part of an executed TAG contract to be found in Appendix C.

Payment Limitations per client per contract term

Employment Preparation	15
Training Completion	5
Job Placement 1	No limit
Job Placement 2	No limit
Job Placement Bonus	No limit
90 Day Retention	No limit
Transitional Supports	15
Self-Sufficiency	No limit

X. SELECTION PROCESS

Any proposal received after the deadline may be reviewed at the discretion of OTDA/BRIA.

Proposals will be reviewed in accordance with the scoring criteria referenced below by review panelists not affiliated with any applicant agencies. Proposals will be reviewed competitively within one of the five areas: New York City, Erie, Monroe, Oneida and Onondaga counties. For example, NYC applications will be compared only with other NYC applications.

OTDA/BRIA will select an array of contractors that will best establish comprehensive services for the achievement of self-sufficiency for eligible clients within counties designated by the federal government as TAG eligible in New York State. OTDA/BRIA has not pre-determined the number of contracts to be awarded in each county.

Proposals should contain *all* required items as listed on the Application Submission Checklist, located in the Application Package (see page 78). Pay particular attention to the Minority and Women Owned Business (M/WBE) requirements.

Scores are based on several considerations:

- The applicant's general organizational qualifications as documented in the proposal and reflected in the total score.
- The applicant's demonstrated ability and proposed employment process leading to client self-sufficiency, as reflected in the total score.
- The applicant's experience with, and knowledge of, specific cultural and linguistic needs of the eligible population and the quality of the proposal in addressing those needs.
- Proposed project staff that is sufficient in number and qualifications.

Note: If additional funding becomes available or if circumstances otherwise allow OTDA/BRIA to fund additional contractors, OTDA/BRIA reserves the right to subsequently reconsider eligible proposals submitted in response to this RFP using the same scoring criteria and award methodology. Updated information may be requested as deemed necessary by OTDA/BRIA. OTDA/BRIA also reserves the right to issue a new RFP at any time during the contract term to solicit new proposals.

OTDA/BRIA reserves the right to conduct site visits and solicit the opinion of applicants' other funding sources prior to making a funding decision.

Each proposal will be scored on an established evaluation form. Points will be awarded as shown.

Category Evaluated	Maximum Points
Applicant Documentation	5
Program Narrative	35
Agency Information	10
Payment Point Summaries and Payment Schedules	50
TOTAL	100

One agency from each designated area will be selected to perform the Consortium payment point. Therefore, for each designated area, the applicants' Consortium Payment Point Summary will be reviewed and scored separately and awarded to the applicant whose Consortium Payment Point Summary receives the highest score.

An application will be reviewed and scored for evidence that the applicant can successfully provide a programmatically feasible and fiscally viable program. (Note that, in addition to consideration of this information in determining proposal scores, OTDA/BRIA may also review proposal materials together with other information to affirm that the organization itself is "fiscally responsible").

MAINTENANCE OF EFFORT

Funds awarded through TAG must be used by an applicant for a new service or a quantifiable increase in the level of service above that provided during the immediately previous 12-month period. This provision prohibits using TAG funds to replace existing government or non-profit funding of services. However, once a new or increased level of service meets the above standards, then TAG funds may be used to continue funding that service in subsequent years.

XI. AWARD PROCEDURES

CONTRACT DEVELOPMENT PROCESS

OTDA/BRIA will begin the contract development process with successful applicants when the awards are announced. The successful applicants may be asked to provide updated work plans and payment schedules that specify the services to be delivered, project goals, payment points, claiming process, and other information. The contract will include standard terms and conditions such as confidentiality of records, publications, and contract termination. The contract will constitute a legal agreement between the selected applicant and OTDA/BRIA and will be in effect for the full period of the contract term.

PAYMENT

Once the contract has been fully executed by OTDA/BRIA (signed and approved by OTDA/BRIA, the State Attorney General and the Office of the State Comptroller), OTDA/BRIA may, at its discretion, advance up to 25 percent of the first budget period amount, if requested and if deemed appropriate by OTDA/BRIA. There will be no advances for subsequent budget periods. No payments will be made until the contract is fully executed and signed by the State Comptroller and the State Attorney General. Contractors will work at their own risk if they conduct program activities before the contract is executed.

XIII. REPORTS AND RECORD KEEPING

RECORD KEEPING

The Contractor must maintain current and accurate fiscal and accounting controls to support the claims for payment points claimed under the contract. Records must adequately identify revenue sources and expense items for all contract activities. Accounting records must be supported by clear documentation for all funds received and disbursed. Records must be retained and be accessible for a period of six years from the end of the contract or last payment or last contract transaction.

However, if any claim, audit, litigation, or State/Federal investigation is commenced before the expiration of the aforementioned record retention period, the records must be retained by the contractor until all claims or findings regarding the records are finally resolved. OTDA/BRIA or its designee shall have access to any records relevant to the project (including but not limited to books, documents, photographs, correspondence, and records), for audits, examinations, transcripts, and excerpts. If OTDA/BRIA determines that such records possess long-term or historic value, they must be transferred, upon request, to OTDA/BRIA.

If a selected contractor expends \$500,000 or more in Federal funds during any one fiscal year, the contractor will be subject to the audit requirements and provisions of OMB Circulars: A-110; A-122; A-133; and all other audit requirements determined applicable by the OTDABRIA. Appendix A1 of the Contract document reviews specific audit requirements.

REPORTING AND VOUCHERING REQUIREMENTS

The Bureau of Refugee and Immigrant Assistance (BRIA) Information Network (BIN) is the required method to be used by contractors to report individual client data and contract performance, and to prepare claims for payment.

The contractor must have sufficient equipment and a system environment to use the BIN system, as follows:

- The WEB browser Microsoft Internet Explorer (version 6.0 or greater). This is free and can be downloaded from the Microsoft website
- Internet service (via DSL, Cable Modem, Dial-up, etc.)

- Desktop computer(s) or laptop computer(s) with internet access
- Laser Printer

Contractor staff, including fiscal staff, should have computers capable of accessing BIN.

Reports and vouchers must be submitted by the contractor on a quarterly basis during the contract term, unless otherwise specified. Payments will be based on vouchers and any necessary documents that support the payment points in the Payment Schedule. Additional reporting, as may be determined by OTDA/BRIA, may also be required.

Final reports and vouchers, known as “close-out” vouchers, are due within 60 days after the completion of, or termination of, the contract.

BIN provides contractors and subcontractors access to individual client application for services, family self-sufficiency, and individual service plan screens for the purposes of screening and enrolling applicants, establishing financial targets for employment outcomes (if applicable), and developing service plans. A client’s service history with any OTDA/BRIA contractor will be made available to contractor/subcontractor intake staff to assist in data collection and in determining the potential for payment for service outcomes for the client.

Dates of Service in BIN should be consistent with the actual service dates, as noted in the detailed case notes, as required.

The contractor must enter performance information into BIN as client outcomes are achieved. The contractor may review and approve subcontractor’s performance information in the BIN system.

After the end of a contract quarter, the contractor generates from BIN voucher forms with the payment claims amount for contractor review and subsequent submission to BRIA for payment. In addition to BIN generated reports, backup documentation must be maintained on site by the contractor and must be accessible for review by OTDA/BRIA at any time.

BIN generates the Standard Voucher, Program Service Report, and Comprehensive Program Report, all of which must be submitted to OTDA/BRIA on a quarterly basis.

CASE RECORDS

The contractor must adhere to OTDA/BRIA instructions regarding case records as stated in the contract and in related OTDA/BRIA manuals, directives, and other forms of notification. The dates of service recorded in BIN must be consistent with the actual service dates recorded in the case record.

MONITORING

OTDA/BRIA will monitor projects on a regular basis throughout the life of the contract. Monitoring may include site visits, regular telephone contact and/or discussions of monthly progress reports. The goals of project monitoring are to ensure that the terms of the contract are

being met and to provide technical assistance, where necessary, to help the contractor meet these terms. OTDA/BRIA reserves the right to conduct site visits and make telephone contact to subcontractors as a means of monitoring the prime contractor's performance.

Monitoring activities will concentrate on proper documentation of claims in the contractor's case records for each client claimed.

AMENDMENTS TO THE CONTRACT

Amendments and modifications of executed contracts are sometimes necessary to accommodate the needs of both the contractor and OTDA/BRIA. These changes, which must be by mutual written agreement, may include modification to reimbursement schedules, time and money amendments, or no-cost extensions as necessary. Contract modifications, including amendments and no-cost time extensions, will be made at the discretion of the OTDA/BRIA with the approval of the Attorney General and the Office of the State Comptroller. Rates cannot be changed, except for possible annual adjustments based on the consumer price index increase at the discretion of OTDA/BRIA.

XIV. GENERAL TERMS AND CONDITIONS

NYS OTDA/BRIA reserves the right to terminate in whole or in part, or modify the contract at its discretion or due to the unavailability of funds.

If additional funding becomes available, OTDA/BRIA reserves the right to subsequently reconsider eligible proposals submitted in response to this RFP at that time, using the same scoring criteria and award methodology. Updated information may be requested as deemed necessary by OTDA/BRIA. OTDA/BRIA also reserves the right to issue a new RFP to solicit new proposals.

The terms and conditions for all funded projects are specified in a detailed contract which must be signed by OTDA/BRIA and approved by the New York State Attorney General Office and the Office of the State Comptroller before any work has begun or payments are made. The successful applicant will be sent the complete standard contract for execution. The Applicant is encouraged to review sections of the contract that are attached before submitting an application.

It is the policy of OTDA/BRIA to encourage the employment of qualified applicants/recipients of public assistance by both public organizations and private enterprises that are under contractual agreement with OTDA/BRIA for the provision of goods and services. OTDA/BRIA may require the Contractor to demonstrate how the Contractor has complied or will comply with the aforesaid policy.

The contractor will be required to comply with all applicable Federal and State laws and regulations.

The contract award will be made to the applicant whose proposals are determined to best meet the criteria for proposal evaluation and selection set forth in this RFP.

Any contract awarded pursuant to this RFP will be subject to the Office's processing procedures for contracts of this type, including approval as to form by the State's Attorney General, and as to award by the NYS Division of Budget and by the NYS Office of the State Comptroller.

This RFP does not commit OTDA/BRIA to award any contracts to pay the costs incurred in the preparation of a response to this RFP, or to procure or contract for services.

OTDA/BRIA reserves the right to amend, modify or withdraw this RFP and to reject any proposals submitted, and may exercise such right at any time and without notice and without liability to any applicant or other parties for any expenses incurred in the preparation of a proposal.

This RFP and any contract resulting from this RFP is subject to all applicable laws, rules and regulations promulgated by any Federal and State authority having jurisdiction over the subject matter thereof.

OTDA/BRIA reserves the right to award contract(s) to as many or as few applicants as it may select, and reject all proposals which do not conform to the instructions given in the RFP.

The proposal of the successful applicant will serve as the basis for the contract, the terms of which will be modified within the context of this RFP.

All plans and working documents prepared by the applicant under the contract to be awarded will become the property of the State of New York.

Submission of a proposal will be deemed to be the consent of the applicant to any inquiry made by OTDA/BRIA of third parties with regard to applicant's experience or other matters relevant to the proposal. OTDA/BRIA reserves the right to request and consider additional information from any applicant beyond that presented in the initial proposal. The award of the contract, if any, may be made in reliance on additional information requested. Such information may include budget justification, program information, operation details, personnel information, or other funding source information.

All products, deliverable items, and working papers resulting from this contract will be the sole property of OTDA/BRIA and the applicant is prohibited from releasing these documents to any persons other than the Commissioner of the Office of Temporary and Disability Assistance or his designee unless authorized by the Office to do so.

The proposal shall be signed by an official authorized to bind the applicant and shall contain a statement to the effect that the proposal is a firm offer for a 180-day period. The proposal shall also provide the name, title, address, telephone number, and area code of individuals with authority to negotiate and contractually bind the corporation or municipality and who may be contacted during the period of proposal evaluation.

XV. Minority and Women-Owned Business Enterprise (M/WBE) and Equal Employment Opportunity (EEO) Participation Requirements For All NYS Office of Temporary and Disability Assistance Contracts and Grants

(Authority: Federal and State statutes specifically Article 15-A of the Executive Law, 5 NYCRR parts 140-144, and Appendix A: Standard Clauses for All New York State Contracts)

I. Introduction

1. New York State Executive Law §§ 310–318, (Article 15-A: Participation by Minority Group Members and Women with Respect To State Contracts -- hereinafter “the Statute”), was enacted to promote equality of employment and economic opportunities for minority group members and women in State contracting activities. The New York State Office of Temporary and Disability Assistance (OTDA) fully supports the efforts of the State of New York to promote Equal Employment Opportunity (EEO) for all persons, and to promote equality of economic opportunity for minority group members and women who own business enterprises.
2. OTDA has developed compliance requirements, forms and procedures to ensure that (i) all contractors as defined under § 310 (3) (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, as defined in § 310 (13) [hereinafter “Contractors”], as well as proposed or actual “Subcontractors”, as defined in § 310 (14) shall comply with requirements to ensure Equal Employment Opportunities for Minority Group Members and Women, and, (ii) there are meaningful participation opportunities for certified minority or women-owned business enterprises (M/WBEs) in the OTDA procurement process. Contractors participating in and/or selected for procurement opportunities with OTDA shall fulfill their obligations to comply with applicable Federal, State and Local requirements concerning Equal Employment Opportunity and opportunities for M/WBEs, including but not limited to the Statute and its implementing regulations as promulgated by the Division of Minority and Women's Business Development (DMWBD) and set forth at 5 NYCRR Parts 140-144).
3. Copies of the required OTDA Forms are identified in this Appendix and available on OTDA’s Internet site at <http://www.otda.state.ny.us/main/>. These forms are to be submitted without change to goals specified in the RFP or contract.
4. Further information regarding Article 15-A of the New York State Executive Law and the New York State Minority and Women’s Business Enterprises Program is available on the New York State Division of Minority and Women-Owned Business Development Internet site at <http://www.nylovesmwbe.ny.gov>.

II. M/WBE Utilization Goal Requirements For NYS OTDA Contracts

Pursuant to Article 15-A of the New York State Executive Law and Regulations adopted pursuant thereto, NYS OTDA has established separate goals for participation of New York State Certified minority and women-owned business enterprises for all State Contracts. NYS OTDA is required to implement the provisions of Article 15-A and 5 NYCRR Part 143 for all State contracts (1) in excess of \$25,000 for labor, services, supplies, equipment, materials, or any combination of the foregoing; (2) in excess of \$100,000 for the acquisition, construction, demolition, replacement, major repair of real property renovations and construction; and (3) in excess of \$100,000 whereby the owner of a state assisted housing project is committed to expend or does expend funds

for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project. As a condition of the State contract, the Contractor and NYS OTDA agree to be bound by the provisions of §316 of Article 15-A of the New York State Executive Law regarding enforcement. Successful Contractors must document "good faith efforts" to provide meaningful participation by New York State Certified M/WBE subcontractors or suppliers in the performance of this contract. For guidance on how NYS OTDA will determine a Contractor's "good faith effort," refer to 5 NYCRR §143.8.

ESTABLISHED OTDA GOALS FOR CONTRACTS ARE AS FOLLOWS:

MINORITY OWNED BUSINESS PARTICIPATION	5%
WOMEN OWNED BUSINESS PARTICIPATION	5.50%
EQUAL EMPLOYMENT OPPORTUNITY PARTICIPATION	7 to 10%

ESTABLISHED GOALS FOR THIS PROCUREMENT/CONTRACT ARE AS FOLLOWS:

MINORITY OWNED BUSINESS PARTICIPATION	____%
WOMEN OWNED BUSINESS PARTICIPATION	____%
EQUAL EMPLOYMENT OPPORTUNITY PARTICIPATION	7 to 10%

III. EEO Requirements

A. Prior to the Award of a State Contract

1. In addition to the requirements stated in Appendix A, Clause 12 (Equal Employment Opportunities for Minorities and Women), as a precondition to being selected for contract award and entering into a State Contract, the Contractor shall provide the following with its procurement submission:
 - a. An EEO Policy Statement, as described in Appendix A, Clause 12. The OTDA EEO Policy Statement form (OTDA Form 4970) can be used to satisfy this requirement.
 - b. Except for construction contracts, an EEO Staffing Plan of anticipated workforce, which should document:
 - i. The workforce proposed to be utilized on the State Contract; or
 - ii. Where the work force to be utilized in the performance of this State Contract cannot be separated out from the Contractor's and/or proposed Subcontractor's total work force (for example, certain commodities contracts), the Contractor's and/or proposed Subcontractor's total workforce including apprentices, broken down by specified ethnic background, gender, and Federal occupational categories or other appropriate categories specified by OTDA.
2. Failure to submit an EEO Policy Statement and EEO Staffing Plan of anticipated workforce may result in the rejection of the Contractor's procurement submission, unless the Contractor provides OTDA with a reasonable justification in writing for such failure (e.g., the failure to submit a staffing plan where a Contractor has a work force of 10 or fewer employees), or makes a commitment to submit an

EEO Policy Statement and an EEO Staffing Plan of anticipated workforce within the time frame specified in writing by OTDA.

3. If, after scoring, a Contractor is selected for award, before that award is completed (e.g., during contract negotiations), OTDA will conduct a review of the substance of the EEO Policy Statement and EEO Staffing Plan of anticipated workforce to determine whether the Contractor appears to be in compliance with Appendix A, Clause 12 and Executive Law Article 15-A, i.e., whether such documents demonstrate that the Contractor is committed to EEO. If, upon review, OTDA comes to the conclusion that such commitment to EEO principles is lacking, OTDA shall contact the Contractor and make every effort to resolve the deficiencies identified in the policy statement and staffing plan and to bring the substance of the policy statement and staffing plan into compliance with such requirements. Failure to correct such deficiency within a timeframe specified by OTDA shall result in noncompliance.

B. After the Award of the State Contract

1. The Contractor will designate a Minority/Women Business Enterprise Liaison/Contact person to coordinate implementation of the M/WBE-EEO program between the Contractor and the OTDA M/WBE Program Management Unit, pursuant to Article 15-A, and requirements in furtherance of the Statute that may be established by OTDA.
2. After approval of the award of a State Contract, and during the performance of the State Contract, the Contractor shall periodically submit to OTDA EEO Workforce Employment Utilization/Compliance Reports (OTDA Form 4971) which must document: The workforce actually utilized, on the State Contract, broken down by specified ethnic background, gender, and Federal occupational categories or other appropriate categories specified by OTDA. All forms and reports will be submitted to the OTDA program manager for this contract award and forwarded for review to: Ms. Wilma BrownPhillips, M/WBE Director, NYS OTDA, M/WBE Program Management Unit, Harlem Center, 317 Lenox Avenue, NYC, NY 10027; (212) 961-8222; mail to: Wilma.BrownPhillips@OTDA.State.NY.US.
3. In addition to general compliance monitoring of State Contracts, including a contractor's compliance with the requirements of 5 NYCRR Part 142, OTDA shall conduct in-depth compliance reviews on selected State Contracts during the course of the year, in accord with 5 NYCRR § 142.3.
4. The EEO Workforce Employment Utilization/Compliance Reports shall be reviewed as part of OTDA's general compliance monitoring. If discrepancies exist between the EEO Staffing Plan of anticipated workforce submitted, where applicable, with procurement submission and the Contractor's EEO Workforce Employment Utilization/Compliance Reports, the Contractor/ Subcontractor may be subject to an in-depth EEO compliance review.
5. If deficiencies are identified with the Contractor during OTDA's general contract compliance monitoring or during in-depth compliance reviews, the Contractor and OTDA M/WBE Program Management Unit, and other OTDA staff, as appropriate, shall make every effort to resolve the deficiencies identified to bring the Contractor/Subcontractor into compliance with such requirements.
6. If the Contractor and the OTDA M/WBE Program Management Unit, and other OTDA staff, as may be appropriate, are unsuccessful in their efforts, and, upon review, the OTDA Commissioner or his/her designee agrees that the Contractor/Subcontractor is non-compliant, such Commissioner or his/her designee shall submit a written complaint to: New York State Empire State Development (ESD), Division of Minority and Women's Business Development ("DMWBD"), regarding the Contractor's or Subcontractor's noncompliance and shall recommend to DMWBD that it review and attempt to resolve the noncompliance matter. Such Commissioner or his/her designee shall serve a copy of the complaint upon the Contractor or Subcontractor by personal service or certified mail, return receipt requested.
7. DMWBD shall attempt to resolve a noncompliance dispute. If a resolution of the noncompliance dispute is satisfactory to the parties, the parties shall so indicate by signing a document indicating that

the matter has been resolved and stating the terms of the resolution. If a resolution is not possible, DMWBD shall refer the matter, within thirty days of the receipt of the complaint, to the American Arbitration Association for proceeding thereon, pursuant to statute (Executive Law § 316) and regulation (5 NYCRR § 142.5).

IV. M/WBE Requirements

- A. The Contractor acknowledges that it is the policy of the State of New York and of OTDA that M/WBEs shall be given the opportunity for meaningful participation in the performance of State Contracts. Therefore, Contractors agree to make good faith efforts to solicit active participation to meet established goals under this procurement by M/WBEs identified in the New York State Empire State Development (“ESD”) directory of certified businesses¹, which can be viewed at:
http://www.empire.state.ny.us/Small_and_Growing_Businesses/mwbe.asp.
- B. For the purposes of this Appendix Z, the question of whether a Contractor has engaged in and documented “Good Faith Efforts” to solicit active participation to meet established goals under this procurement by M/WBEs in the performance of State Contracts shall be determined by the OTDA Commissioner or his/her designee, after a thorough consideration of the factors listed in 5 NYCRR § 143.8.
- C. The separate MBE and WBE participation goals established by OTDA for this procurement are based on the overall availability of M/WBEs that have been certified to perform the specific scope of work identified under this procurement. For compliance purposes, these goals should not be construed as rigid and inflexible quotas which must be met, but must be targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire Minority- and Women-owned Business Program work.

A. Prior to the Award of a State Contract

- 1. Contractors shall document and/or demonstrate in their procurement submissions every good faith effort to solicit active M/WBE participation, at least equal to the goals established by OTDA. The M/WBE utilization should be measured by comparing (in detail) the dollar value of the component services/deliverable/materials provided/supplied by M/WBEs to the total dollar value of the services/deliverables/materials available under the State Contract.
- 2. The Contractor shall provide with its procurement submission:
 - a. A Certification of Good Faith Efforts, to achieve the overall prescribed M/WBE participation percentage (%) goals set forth in the procurement.
 - b. A M/WBE Subcontractor Utilization Plan, which should document actions taken and/or to be taken to meet established goals and the time frames needed to achieve results which could reasonably be expected by putting forth every good faith effort to achieve the overall prescribed M/WBE participation percentage (%) goals set forth in the procurement.
 - c. A M/WBE Subcontractor’s and/or Suppliers’ Letter of Intent to Participate, which should document the names and signatures of certified MBEs and/or WBEs which have agreed to participate as Subcontractors if the Contractor is awarded the State Contract.

¹ All M/WBE firms are required to be certified by Empire State Development (ESD) or must be in the process of obtaining certification from ESD. Should the Contractor identify a minority-owned or woman-owned firm that is not currently certified as an M/WBE, the Contractor should request that the firm submit a certification application to ESD for an eligibility determination, with a copy to the OTDA M/WBE Program Management Unit. OTDA’s M/WBE Program Management Unit will work with ESD to expedite the application; however, it is the responsibility of the Contractor to ensure that a sufficient number of certified M/WBE firms have been identified in response to this procurement, in order to facilitate full M/WBE participation.

3. When M/WBE goals higher than 0% (zero percent) are included in OTDA's procurement document, a Contractor's failure to submit a M/WBE Subcontractor Utilization Plan and a M/WBE Subcontractor's and/or Suppliers' Letter of Intent to Participate, where applicable, may result in noncompliance with submission requirements, unless the Contractor provides OTDA with a completed M/WBE Subcontractor Request for Waiver, within the timeframe specified in writing by OTDA.
4. If, after scoring, a Contractor is selected for award, before that award is completed (e.g., during contract negotiations), OTDA will review the substance of the Subcontractor Utilization Plan submitted by a Contractor and within twenty (20) days from the receipt thereof by the OTDA MWBE Unit, issue a written notice of acceptance or deficiency.
5. If a notice of deficiency is warranted, the notice shall include:
 - i. The name of any M/WBE which is not acceptable for the purpose of complying with the M/WBE participation goals and the reasons why it is not acceptable;
 - ii. Elements of the contract scope of work which OTDA has determined can be reasonably structured by the Contractor to increase the likelihood of participation in the contract by M/WBEs; and
 - iii. Other information which OTDA determines to be relevant to the M/WBE Subcontractor Utilization Plan.
6. A Contractor must provide OTDA with a written remedy in response to a written notice of deficiency within seven (7) business days of receipt or within a time frame as specified by OTDA to correct the specific deficiency. Failure to correct a deficiency and/or demonstrate compliance shall result in the necessity of the Contractor to submit to OTDA a M/WBE Subcontractor Request for a partial or total waiver of M/WBE participation goals on forms provided by the OTDA. Failure to submit the waiver form in a timely manner may be grounds for noncompliance.

B. After the Award of the State Contract

1. In accordance with regulations under 5 NYCRR Part 140, after the awarding of the Contract, and during the performance of the State Contract, except where OTDA has granted the Contractor a total waiver², the Contractor shall, as required by OTDA, periodically submit to OTDA: M/WBE Subcontractor Quarterly Compliance Reports.
2. Failure to timely submit a Contractor's M/WBE Subcontractor Quarterly Compliance Report and/or other reports or information as requested by OTDA may result in payments under the contract being delayed until such reports or other information have been received by OTDA.³ OTDA may also deem other noncompliance with requirements under the Statute as a breach of contract and commence any other means of enforcement permitted under the contract and/or by law.
3. OTDA shall review the substance of the Contractor's M/WBE Subcontractor Quarterly Compliance Report and shall be responsible for evaluating and determining whether the Contractor has demonstrated compliance with its previously approved Contractor's M/WBE Subcontractor Utilization Plan. In making such determination, OTDA may review and investigate whether the goals are being achieved with certified minority- and women-owned business enterprises and whether information made available to OTDA through monitoring, on-site inspections, progress meetings regarding work

² If OTDA has granted a partial waiver to the Successful Contractor, prior to award OTDA must have approved a Contractor's M/WBE Utilization Plan and a completed Contractor's M/WBE Subcontractor's Notice of Intent to Participate. Please note that after award the Contractor must still submit Contractor's M/WBE Compliance Reports.

³ Contractors may be requested to provide additional Compliance Reports and information (i) to verify payments made to M/WBEs, (ii) to verify M/WBE utilization and/or, (iii) as needed to evaluate any other aspect of Contractor compliance with the requirements set forth herein.

required by the State Contract, review of payrolls or other OTDA action provides acceptable evidence of compliance.

4. Where it appears that a Contractor cannot, after a good faith effort, comply with the goals established in the contract, such Contractor may submit a completed M/WBE Subcontractor Request for Waiver, setting forth the reasons for such Contractor's inability to meet any or all of the participation goal requirements, together with an explanation and supporting documentation demonstrating the good faith efforts undertaken by such Contractor to obtain the required M/WBE subcontractor participation goal requirements.⁴
5. If OTDA determines that the Contractor has not demonstrated compliance with the goals established in the contract and has made no good faith effort to do so, OTDA and the Contractor shall make every effort to resolve the deficiencies identified and to bring the Contractor into compliance with such requirements.
6. OTDA will determine whether the Contractor is in non-compliance. The Contractor will be found to be not in compliance when it is non-responsive, in whole or in part, to the EEO and/or M/WBE program requirements or requests.
7. OTDA reserves the right to impose sanctions following a determination of non-compliance by a Contractor. Sanctions may be imposed upon the Contractor whenever EEO and/or M/WBE program requirements have not been met in a timely and effective manner. Any/all of the following sanctions may be imposed:
 - Disallowance of costs associated with such non-compliance;
 - Initiation of procedures to suspend or terminate the grant or contract;
 - Withholding of progress payments until such time as corrective actions have been undertaken by the Contractor to the satisfaction of OTDA;
 - Deleting Contractor's name from bid lists for a specified period of time to be determined in the sole discretion of OTDA;
 - Report Contractor as non-responsible to NYS OSC Vendor Responsibility System; and
 - Other sanctions of which a Contractor has notice in writing prior to or during the performance of a contract.
8. If OTDA is unsuccessful in its efforts, and, upon review, the OTDA Commissioner or his/her designee agrees that the Contractor is non-compliant, the Commissioner or his/her designee shall submit a written complaint to: The New York State Department of Economic Development, Division of Minority and Women's Business Development ("DMWBD"), regarding the Contractor's noncompliance and shall recommend to DMWBD that it review and attempt to resolve the noncompliance matter. The Commissioner or his/her designee shall serve a copy of the complaint upon the Contractor by personal service or certified mail, return receipt requested.
9. DMWBD shall attempt to resolve a noncompliance dispute. If a resolution of the noncompliance dispute is satisfactory to the parties, the parties shall so indicate by signing a document indicating that the matter has been resolved and stating the terms of the resolution. If a resolution is not possible, DMWBD shall refer the matter, within thirty days of the receipt of the complaint, to the American Arbitration Association for proceeding thereon, pursuant to statute (Executive Law § 316) and regulation (5 NYCRR § 142.5).
10. Nothing herein shall diminish or supersede OTDA's authority and responsibility to enforce the requirements of its contracts.

⁴ Requests for a partial or total waiver made subsequent to award of a State Contract may be made at any time during the term of the State Contract but prior to the submission of a request for final payment on that State Contract.

11. The Contractor agrees (i) to provide OTDA access to all documentation, records, reports, facilities, etc, which OTDA may deem necessary to determine Contractor compliance, and (ii) to be bound by the provisions of the Statute (Section 316) regarding possible fines, sanctions and penalties for violations of the Statute.

NOTE: Pursuant to Chapter 429 of the Laws of 2009, which amends Section 313 of the Statute, OTDA is required to post contractor utilization plans, and any applicable waivers on the agency website.