

awards1032



Release Date: August 29, 2024

Request for Proposals

Career Pathway IV (CPIV) 2025

Submission Deadline: October 15, 2024, 2:00 p.m.

- I. TIMELINES AND PROPOSAL SUBMISSION 5
 - A. Questions Concerning this Request for Proposals (RFP)..... 5
 - B. Proposal Submission and Due Date..... 5
 - C. RFP Timetable 5
- II. SUMMARY OF THE RFP 6
 - A. Purpose 6
 - B. Available Funds/Award Amounts 6
 - C. Contract Period (Multi-Year)..... 7
 - D. Eligible Applicants 7
- III. PROGRAM AND CONTRACT INFORMATION 8
 - A. Program Background 8
 - B. Participant Eligibility 9
 - C. Coordination with the Social Services District and WDBs..... 11
 - D. Description of Services Sought 12
 - E. Career Pathways IV Milestone Structure..... 16
 - F. New York State Minimum Wage Rates 21
 - G. Documentation Requirements..... 21
 - H. Participant Reporting Requirement 23
 - I. Milestone Reimbursement for Previously Served Participants..... 24
 - J. Voucher Submittal and Record Keeping..... 24
- IV. Proposal Requirements – Format and Content..... 24
 - A. Evaluation Process 25
 - B. Evaluation Criteria..... 25
 - C. Restrictions on the Use of Funds 28
 - D. Method of Selection 29
 - E. Required Pre-Submission Uploads 29
 - F. Terms and Conditions Governing this RFP 30
- V. GENERAL INFORMATION FOR SUCCESSFUL BIDDERS 31
- ATTACHMENT E..... 40
- PART B: Instructions for Completing the Application: 47
- PART C: List of Required Upload Documents 47
- PART D: Additional Attachments for Reference..... 47

1. IMPORTANT INFORMATION

This page contains information regarding the Career Pathway IV (CP IV) 2025 Request for Proposals (RFP) that is essential for any prospective applicant. The CP IV 2025 RFP is released through the New York Statewide Financial system (SFS). The CP IV 2025 RFP is categorized into four sections listed below:

1. PART A: RFP Summary Information
2. PART B: Application Instructions
3. PART C: Required Uploaded Documents
4. PART D: Printed Version of Gateway Application

I. RFP Summary Information

This section of the RFP explains the requirements of the RFP. It includes timelines, a summary, program and contract information, proposal requirements and other aspects of the procurement.

II. Application Instructions

All organizations submitting a proposal for this procurement must use [The Statewide Financial System of New York \(ny.gov\)](https://www.ny.gov). Once the deadline has passed, the Statewide Financial System will no longer accept applications. OTDA will conduct a thorough review of each application submitted. Eligible applicants should complete and submit answers to all questions, and submit all required forms outlined in this RFP. Failure to submit all required forms and answer all required questions may adversely affect the proposal's competitive score or make the proposal ineligible. OTDA is not responsible for any third-party error in the submission of proposals.

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

III. Prequalification Requirements

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

Proposals received from eligible not-for-profit applicants who have not been Prequalified by the proposal due date of 3:00 PM EST on October 15, 2024, will not be able to submit their bid response through SFS.

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

IV. Vendor Registration, Prequalification and Training Resources for Applicants

Note: For any application that does not contain all the required documentation and responses that were to be uploaded, please be advised that the application will be reviewed and scored as submitted. Points will be deducted for any incomplete responses, missing and/or inappropriately submitted

documentation. It is the responsibility of the applicant to ensure, prior to submission that the application is appropriate and complete.

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

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

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

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

V. **Register as an SFS Vendor**

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

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

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

Prequalifying in SFS

- Log into the SFS Vendor Portal.
- Click on the Grants Management tile.
- Click on the Prequalification Application tile. The Prequalification Welcome Page is displayed. Review the instructions and basic information provided onscreen. Note: If either of the above referenced tiles are not viewable, you may be experiencing a user role issue. Contact your organization's Delegated Administrator and request the Prequalification Processor role.
- Select the Initiate a Prequalification Application radio button and click the Next button to begin the process. Starting with **Organization Information**, move through the steps listed on the left side of the screen to upload **Required Documents**, provide Contacts and **Submit** your Prequalification Application.

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

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

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

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

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

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

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

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

PART A: RFP SUMMARY INFORMATION

I. TIMELINES AND PROPOSAL SUBMISSION

A. Questions Concerning this Request for Proposals (RFP)

Bidders may submit typed questions via email or by mail to the address provided below. Questions regarding the RFP will be accepted until 2:00 p.m., September 13, 2024. No handwritten, emailed or telephone inquiries will be accepted. Answers to all questions received by this date will be posted on the New York State Office of Temporary and Disability Assistance's website at www.otda.ny.gov no later than September 27, 2024.

New York State Office of Temporary and Disability Assistance
Contract Management and Quality Assurance
Attn: Jody Kelly
40 North Pearl Street, 11D
Albany, NY 12243-0001
Email: Jody.Kelly@otda.ny.gov

B. Proposal Submission and Due Date

All Proposals must be submitted via The New York Statewide Financial System at [The Statewide Financial System of New York \(ny.gov\)](http://The Statewide Financial System of New York (ny.gov)) and be received no later than 2:00 p.m., October 15, 2024. Once the deadline has passed, The New York Statewide Financial System will no longer accept applications. Eligible applicants should complete and submit all answers to questions and submit any forms required by this RFP. Failure to submit all required forms and answer all required questions may adversely affect the proposal's competitive score or make the proposal ineligible.

C. RFP Timetable

- RFP Release Date – August 29, 2024
- Deadline Date for Questions – September 13, 2024
- Responses to Questions – September 27, 2024
- Proposal Due Date – October 15, 2024
- Date of Notification of Award – January 15, 2025
- Contract Start Date – April 1, 2025
- Contract End Date – March 31, 2030

II. SUMMARY OF THE RFP

A. Purpose

The purpose of the Career Pathways IV (CP IV) RFP is to secure the services of eligible organizations that can assist OTDA in addressing the employment and training needs of eligible individuals age 16 and up. The CP IV program links educational and occupational training to subsequent employment through a continuum of educational programs combined with integrated support services to enable eligible participants to advance over time both to higher levels of education and to higher wage jobs in targeted occupational sectors. Providers will strive to place all participants in high growth/high demand employment sectors and offer participants a clear and reliable course of action for building skills to progress in their careers. Career Pathways “Roadmaps” will be organized as a series of steps that lead participants toward job placement and increased earnings opportunities by providing industry-recognized credentials, certificates, and/or licensures. The industry sectors that are appropriate for pathway development will be identified locally and must include those that need skilled workers and that are vital to the economic health of the region.

Career Pathways services take on an added importance for young adults, helping them acquire the skills necessary for future workplace success. Young people who have education, work-related skills, employment goals and job opportunities may be less likely to engage in high-risk behaviors than those who lack these skills and supports. CP IV will provide program participants with education, job skills, and employment opportunities to promote financial stability, and strong families and communities.

B. Available Funds/Award Amounts

A total of approximately \$1,425,000 in anticipated annual federal Temporary Assistance for Needy Families (TANF) funds is available to support selected CP IV projects for a twelve-month period beginning April 1, 2025. Funds for annual program periods beyond the initial 12-month period are contingent upon subsequent budget appropriations. Annual awards of up to \$300,000 will be made, and we expect that five projects will be funded. Priority will be given to applicants based on the following criteria:

1. The applicant proposes to serve unemployed or underemployed 18 through 23- year-olds residing in a county with an unemployment rate that is greater than the comparative rate of unemployment for the applicable labor market region. Regional and local unemployment data are included in [Labor Data | Department of Labor \(ny.gov\)](#) While CP IV services may be offered to eligible individuals ages 16 and up, youth between the ages of 18 and no older than 23 at the time of enrollment are the primary target population;
2. The applicant demonstrates the labor market need for the proposed service area and indicates why existing local programs are not sufficient or available to provide the services we are seeking. The specific job skills trainings to be offered are identified, as well as the associated employment sectors and job opportunities available for program graduates. A list of local labor market analysts who can identify demand occupations is included at [Labor Data | Department of Labor \(ny.gov\)](#).
3. The applicant represents a consortium of organizations, including education, training, and employer stakeholders in the region and will serve as the lead organization for the CP IV program; and/or
4. The applicant will leverage additional community resources to support the program (e.g., mentors, federal tuition support, private funds, use of space and/or supplies, or job placement services) and

provide comprehensive participant support services (e.g., tutoring, childcare, afterschool program access, transportation, career planning and case management).

OTDA anticipates awarding applicants serving the New York City (NYC) labor market region, as well as those serving labor market regions outside of NYC. Awards in labor market regions outside of NYC will be limited to no more than one award per county.

OTDA reserves the right to award contracts to responsible entities that score fewer points than others to satisfy the goals of assuring statewide coverage in multiple labor market regions and maximizing the participation of unemployed or underemployed youth ages 18 through 23 years of age who reside in a county with a higher than average unemployment rate than that for the applicable labor market region. Given this stipulation, a proposal with a lower score may be selected over a higher scoring proposal when the lower scoring proposal serves a county with a demonstrated need for CP IV services within the applicable labor market region, or when the higher scoring proposal falls subject to the one provider per county rule.

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

Selected contractors will earn their award funds on a performance basis as participants achieve the milestones outlined in Section III. E. The award shall not duplicate any payment provided or funding made available by OTDA, or any other federal, State, or local government entity. The Catalog of Federal Domestic Assistance (CFDA) title and number is 93.558. These funds are subject to requirements of Title IV-A of the Social Security Act, as amended by Title IV-A of the Personal Responsibility and Work Reconciliation Act of 1996, PRWORA, P.L. 104-193. [Award Name: Temporary Assistance for Needy Families (TANF) Program. Award Agency: Department of Health and Human Services, Administration for Children and Families.]

C. Contract Period (Multi-Year)

This RFP governs contracts for the cycle starting April 1, 2025 and ending March 31, 2030. Contractors may be reimbursed for eligible 60 and/or 120-day employment milestones achieved by participants that began working on or before March 31, 2030. At the discretion of OTDA, this multi-year cycle may be shortened if determined that modifications to the program structure are necessary. Award amounts for the initial and any subsequent periods are contingent on the availability of funding, and the degree to which performance outcomes have been achieved. OTDA desires to engage the services of organizations that are successful in helping participants enter gainful employment as outlined in this RFP and may terminate contracts or initiate contract modifications to reduce award amounts of those projects that are not making progress in fulfilling the performance component of this initiative.

D. Eligible Applicants

Organizations eligible to apply for funding under this initiative are limited to nonprofit and community-based entities. For-profit entities are excluded from applying for funding under this initiative. Preferred applicants will be entities with experience providing employment and training services to youth ages 18 through 23, and those with experience serving individuals eligible for TANF services as defined in Section III. B. Applicants are encouraged to consider collaborating with other experienced applicant entities to establish a consortium of

services that will best meet the performance-based milestones included in this initiative, and to leverage additional partner resources to support the program. Applicants proposing a consortium-based approach must designate one of the applicant entities as the lead for the consortium and must include in their application a description of the roles and responsibilities of the lead applicant and each co-applicant. Formal contracts between the lead applicant and its members must be developed to define individual responsibilities and payment terms. The consortium members must indicate unanimous understanding and commitment to program goals for the life of the contract. All applicants are required to collaborate with their local department of social services (district) and Workforce Development Board (WDB). Consortia must include at least one other eligible education, training, or employer entity.

Nonprofit applicants must be registered and in good standing with the Charities Bureau of the Attorney General's Office and have their Vendor Responsibility Profile available and current on the NYS Office of the State Comptroller's (OSC) VendRep System at <http://www.osc.state.ny.us/vendrep/index.htm>. If an applicant is unable to use the online system, a hardcopy of the Vendor Responsibility Questionnaire must be submitted to OTDA upon receiving a contract as a result of this RFP. All nonprofits are subject to the Prequalification Requirement in The New York Statewide Financial System, as explained in Section I. D. Selected contractors agree to provide informational materials to program participants regarding how to access various program benefits available to low-income households in New York State, including temporary assistance, tax credits and nutrition programs. Contractors also agree to display and/or distribute materials developed by OTDA related to www.myBenefits.ny.gov to program participants. OTDA will provide each selected contractor with access to all necessary informational materials.

III. PROGRAM AND CONTRACT INFORMATION

A. Program Background

While individuals with limited education or job skills are often able to obtain entry level jobs, they may find it difficult to attain higher wages or develop the work-related skills necessary for advancement. Research clearly and consistently demonstrates a direct correlation between an individual's education and earnings potential. Improved literacy, achievement of a high school diploma, post-secondary education, and the acquisition of job-specific skills and workplace credentials increase an individual's chances of advancing economically. Further, programs that combine work, training, and targeted educational activities offer the best employment results for participants transitioning from public assistance to work.

Since 2009, OTDA has operated Career Pathways, an innovative workforce development approach that combines basic workplace preparation, education, and occupational training to prepare participants for careers. The need for this program persists, as many individuals are not successful following traditional paths to higher education and often struggle to find gainful employment that provides positive career opportunities. While large numbers of New Yorkers remain unemployed, particularly young adults, many seeking employment lack the skills necessary to effectively compete in today's economy. Individuals who have not completed high school or have been unable to secure post-secondary education or occupational training, are more likely to be unemployed and earn low wages throughout their lifetime. The CP IV program is intended to address these skills and earnings gaps by providing a series of steps that lead participants toward employment with industry-recognized credentials, certificates, and/or licensures. The core components of CP IV include the following:

- Innovations in program content and delivery to address the needs of nontraditional and low-income youth and adults, such as flexible scheduling, contextualized literacy, and English language instruction;

- Sequenced education and job skills training leading to transferable credentials that are recognized by employers;
- Locally identified employment sectors that have a demand for skilled workers and that offer advancement opportunities;
- Support services that include career planning, career counseling, case management, and child care;
- Employer participation in pathway development, worksite training, mentoring and other resources to support Career Pathways participants; and
- Targeted job development, placement and retention services.

The CP IV program supports businesses in New York State by playing a critical role in the development of a skilled workforce. Given the clear connection between educational attainment and earnings outcomes, OTDA seeks proposals that present a clear and well- defined strategy to develop skilled workers who can move from the classroom to the workplace, with credentials that have meaning within industry career ladders.

B. Participant Eligibility

Individuals eligible to participate in the CP IV program must be eligible under federal TANF requirements and meet at least one of the following criteria:

- Unemployed or underemployed young adults between the ages of 18 through 23, who meet the TANF 200% of federal poverty level certification requirements;
- Public Assistance (PA) recipients, including Family Assistance (FA) and federally- funded Safety Net Assistance (SNA) recipients (former FA recipients who have reached their 60-month limit on TANF and transitioned to SNA). Individuals in two- parent cases with children receiving SNA and noncustodial parents receiving SNA may also be eligible; and/or
- 16 or 17-year-old heads of household who meet the TANF 200% of federal poverty level certification requirements.

These criteria are further defined below.

1. Unemployed or Underemployed Young Adults (Ages 18 through 23) Eligible Under 200% of Federal Poverty Guidelines

Unemployed or underemployed young adults who are at least 18 years of age but no older than 23 years of age at the time of application are a primary program target population, and at least 60% of total CP IV funds must be reserved for claims associated with this eligibility group. These individuals must also be eligible under federal TANF 200% of poverty guidelines. OTDA has issued a Local Commissioners Memorandum (00-LCM-20) to provide guidance regarding the certification requirements and services for TANF-funded programs serving eligible individuals and families with incomes at or below 200% of the federal poverty level. This LCM is accessible on the OTDA website at http://otda.ny.gov/policy/directives/2000/LCM/00_LCM-20.pdf.

Applicant organizations should familiarize themselves with the certification requirements and other elements discussed in this guidance. In brief, to be eligible under the 200% of federal poverty

guidelines, an individual not receiving PA must:

- Be a resident of New York State;
- Be a United States citizen or qualified noncitizen; and
- Be a member of a household (individual or family) with income that does not exceed 200% of the federal poverty level as indicated in the table below.

200% of Federal Poverty Guidelines Chart June 1, 2024 through May 31, 2025

Family Size	Monthly Income	Annual Income
1	\$2,510	\$30,120
2	\$3,407	\$40,880
3	\$4,303	\$51,640
4	\$5,200	\$62,400
5	\$6,097	\$73,160
6	\$6,993	\$83,920
7	\$7,890	\$94,680
8	\$8,787	\$105,440

For family units with more than eight members, add \$897 monthly or \$10,760 annually for each additional person.

Please note that the above guidelines are applicable to the 48 contiguous states and the District of Columbia.

**Poverty Guidelines are updated annually, and new standards go into effect on June 1st each year.*

The TANF Services Application/Certification Form (Attachment 14) and TANF Services Application/Certification Review Form (Attachment 15) must be used to certify eligibility under TANF 200% of federal poverty guidelines. The TANF Services Application/Certification Form should be completed by participants at the time of enrollment into CP IV, and the TANF Services Application/Certification Review Form must be signed by a designated staff person responsible for TANF eligibility decisions within 30 days of the TANF Services Application/Certification date.

In order to qualify under the 200% of federal poverty level eligibility standards, a noncustodial parent is required to complete a Noncustodial Parent Informational Referral Form (Attachment 16), which provides additional information regarding his/her noncustodial children. The information will be forwarded to the local child support office for the purpose of obtaining or enforcing a child support order.

2. PA Recipients

PA recipients are defined as persons who are in receipt of FA or SNA recipients who are also eligible for TANF-funded services. Federal rules are prescriptive regarding what services meet federal work participation requirements, and how program participation is documented and reported. Districts must meet federal and State work requirements for PA recipients, which typically require full-time engagement. Applicants must coordinate services with their district(s) to ensure their CP IV program offerings are consistent with district work requirements. In addition, applicants are encouraged to provide work participation opportunities onsite and in combination with instructional training to help meet work participation requirements.

3. 16 or 17-Year-Old Heads of Household

OTDA's 02-INF-1 expands on 00-LCM-20, extending TANF services to certain minor children under the age of 18 when such services meet the criteria of TANF purpose three, to prevent and reduce out-of-wedlock pregnancies. As per 02-INF-1, 16 or 17-year-old heads of household who are either in foster care and not expected to return to the home of a TANF-eligible relative, living with a person(s) who is not a TANF-eligible relative, or living on their own may be eligible for CP IV services if they also meet the TANF 200% of federal poverty guidelines as defined above. 02-INF-1 may be accessed on OTDA's website at http://otda.ny.gov/policy/directives/2002/INF/02_INF-01.pdf. Eligible heads of household who are ages 16 or 17 must complete the TANF Services Application/Certification Form, and the TANF Services Application/Certification Review Form must be completed by program staff within 30 days from the application date.

C. Coordination with the Social Services District and WDBs

Since recipients of PA are an eligible population for CP IV services, proposals must be developed in consultation with the district in each county being served. The district may serve as a source of referrals, identify appropriate individuals from the target groups indicated above, and provide eligible individuals with the supportive services needed to facilitate participation. Applicant organizations should contact their district(s) early in the planning process to learn what elements the CP IV program design must include to support participation by PA recipients. Additionally, applicant organizations need to be aware of and comply with the district's process for obtaining their support of a CP IV proposal, including the need to allow sufficient time for applicants to obtain the required signed District Partnership Form (Attachment 2) by the application deadline. For example, the NYC Human Resources Administration (HRA) requires that these requests be submitted to the Commissioner/Administrator and the Grants Officer in their Finance Office at least three weeks prior to the date the District Partnership Form is required. At the time of the request, HRA also requires the submission of a complete or substantially complete proposal and a one-page summary of the proposal. Attachment 13 provides a list of Employment Coordinators by district. Applicant organizations awarded a contract will be required to cooperate fully with the district for submitting attendance information within specific timeframes and maintaining records of excused absences. Further, once PA recipients become employed, awardees must submit proof of employment to the district.

Applicants must also obtain WDB approval for each county being served. The Local Workforce Development Board Approval form is included as Attachment 3. The WDB will certify that the career pathways offered are related to demand employment opportunities within their labor market region. Applicants must identify the specific job skills trainings to be offered, the skills acquired by participants through training, and the available job openings upon completion. Applicants should contact their WDB(s) as soon as possible and comply with

each WDB's process for obtaining approval of the proposed career pathway(s). The WDB contacts can be found on the DOL website at [Workforce Governance | Department of Labor \(ny.gov\)](#).

Applicants are also encouraged to collaborate with NYS Career Centers, ACCES-VR offices and local chambers of commerce to help participants access comprehensive wraparound services. Information regarding local Career Centers may be accessed on the NYS Department of Labor website at [Career Centers | Department of Labor \(ny.gov\)](#) and ACCES-VR district office locations are available on the NYS Education Department website at <http://www.acces.nysed.gov/vr/district-offices>.

D. Description of Services Sought

The appropriation language for the CP IV program contains provisions to ensure that funds are used to address the needs of specific target groups eligible for TANF services. If appropriation language in any subsequent budget year modifies or removes any provision, OTDA reserves the right to modify the CP IV eligibility criteria included in this RFP. Funds provided through CP IV must serve the target populations as follows:

- At least 60% of the funds shall be used to serve unemployed or underemployed 18 through 23-year-olds who are eligible either under PA or federal TANF 200% of poverty guidelines as defined in Section III. B.; and
- The remaining 40% may be used for recipients of FA or federally funded SNA who are over the age of 23 at the time of enrollment, and for 16 to 17-year-old heads of household who are eligible for TANF-funded services.

At the discretion of OTDA, the distribution of funds between these two eligibility categories may be approximated based on the number of individuals served.

1. Selection Priority

Selection priority will be given to organizations that propose to meet the following criteria:

- Focus on serving 18 through 23-year-old unemployed or underemployed individuals who reside in a county that has an average unemployment rate which exceeds the average annual unemployment rate for its associated labor market region. The ten New York State labor market regions and their rates of unemployment and the unemployment rates by county are included in [Labor Data | Department of Labor \(ny.gov\)](#).
- Demonstrate the labor market need for a CP IV program in the service area, including identification of the specific job skills trainings to be offered, the associated employment sectors, and the job opportunities available for program graduates;
- Represent a consortium of applicants including education, training and employer stakeholders. Preference will be given to programs that link educational instruction with occupational skills training that results in a credential, diploma, or certificate recognized by area employers, particularly credentials that are recognized by employers that offer higher wages and/or wage advancement. Education and training providers include, but are not limited to, high school equivalency diploma programs, community colleges, junior colleges, business and trade schools,

vocational institutions, and institutions with baccalaureate degree-granting programs; programs that provide for a career path(s), as supported by identified local employment needs; programs that provide employment services including but not limited to post-secondary training designed to meet the needs of employers in the local labor market or catchment area; and programs that include education and training components, such as remedial education, individual training plans, pre-employment training, workplace basic skills, and literacy skills training; and/or

- Partner with other community-based organizations and employers to leverage additional resources to support the program, including federal tuition support, private funds, use of space and/or supplies, mentors, or job placement supports. Preference will be given to programs that also provide participants with supportive services such as tutoring, mentoring, career planning, case management and childcare.

2. Program Features

Programs funded through this RFP will offer an array of career pathways aimed at providing participants with the skills that will meet both employer and worker needs and lead to career advancement. A well-developed CPIV framework includes the following elements:

a. Employer Engagement

Applicants are encouraged to collaborate with local employers from the sectors they have identified. Once engaged, employers should be involved in the development and ongoing support of the applicant's career pathway training element. Discussions with an employer-based advisory committee or industry consortium may also provide details on available jobs in local companies, the skills that are needed, working conditions, wages, benefits, and changes/trends in the industry to ensure appropriate jobs are available for program participants in the identified pathway. Ideally, regional businesses should commit to hiring, retaining, and seeking to advance successful CP IV participants.

b. Partnership Plan

Applicants must establish a plan that clearly defines the services each partner organization is providing to participants, including how participants are recruited/referred to the program, the educational and occupational skills training(s) provided, the provision of case management/support services, and job placement and retention services.

A cross section of agencies, including the district, WDB, employers, educational institutions, training providers, and other community-based organizations with expertise in serving the target population should be formed to support low-income workers in career pathways learning. Partner organizations should actively collaborate to provide training resources and wraparound support services to participants, including efforts to support advancement after initial job placement. Each partner's role and responsibilities must be clearly defined. Districts and WDBs must be program partners.

c. Career Pathways Participant Assessment and Career Plan Development

Assessments should be completed at the time of intake for all CP IV participants, and should include barriers to employment, support services needed, education, and employment histories. In addition, selected providers must develop a career plan that identifies the employment goals, education, training, and job skills needed for the participant's future success. OTDA has developed an Individual Assessment and Career Plan (IACP) document (Attachment 17) to guide CP IV providers through this process with participants.

At a minimum, the IACP should:

- Be designed in conjunction with the assessment and employability plan developed with the participant and the district, if applicable;
- Include an assessment of individual aptitudes, interests, educational background, work history and job skills;
- Address the barriers that have prevented the participant from successfully participating in employment and training activities or obtaining/retaining a job;
- Identify the individual's employment goals and how the services provided will help the individual attain those goals;
- Identify work skills and skill gaps;
- Contain measurable and verifiable long and short-term goals, such as credential achievement, completion of a job readiness program, resolution of personal barriers to employment, vocational training, job placement/retention, or job improvement/advancement;
- Specify a timeframe for completing program components and meeting goals;
- Describe the type, method and location of services and instruction; and
- Develop a resumé the individual can use to support current and future job applications.

Once developed, the IACP should follow the individual as s/he moves through various training and employment experiences and settings. It is strongly recommended that providers offer post-employment components in addition to pre-employment components. The provider's in-depth knowledge of each client's strengths and weaknesses (acquired during the assessment stage) may be used to develop a post-employment plan of action that will improve the opportunity for job advancement and promote job retention.

Providers are strongly encouraged to conduct an Employment Coaching meeting with CP IV participants to review his or her:

- Current job and job satisfaction;
- Job progress including a discussion of attendance, interactions with co-workers, and ability to successfully complete the duties of the job;
- Barriers and support needs to maintain and advance in employment;
- Strategies and referrals for addressing barriers and/or needs; and
- Options and/or goals for future job retention/advancement.

The Employment Coaching meeting is designed to help increase retention prospects for CP IV participants. The meeting should be completed in conjunction with the participant and appropriate provider staff. After the Employment Coaching meeting, the IACP should be updated.

d. Job Skills Training and Vocational Education

Career pathways are visually summarized by a “roadmap” and should be jointly produced by employment and training professionals, workforce professionals, and employers; have multiple entry and exit points; and depict vertical and lateral movement within an occupation or career cluster. The job skills trainings connected to each career pathway must be based on local and regional labor market demand, where a gap exists between the number of qualified workers and the number of job openings available. Applicants should submit evidence to substantiate that viable employment opportunities exist for individuals who meet the qualifications upon completing their training(s). Job skills training courses must be included on the New York State Workforce Eligible Training Provider List (ETPL), which can be found on the DOL website at <https://applications.labor.ny.gov/ETPL/>. Training providers should complete an online application provided at the same website to have their course listed if it is not already on the ETPL list. If the job skills training is not on the list but the applicant gains approval from the WDB indicating the training is in high demand within the service area, it may be included as part of an approved career pathway.

CP IV vocational education curriculum must be organized as a series of steps, each of which is associated with a specific credential or job advancement opportunity. The program must enable participants to make educational gains and increase job skills in manageable increments. Participant completion of each module in a pathway should align with the basic literacy and math skills needed to be successful in the workplace. In addition, CP IV curriculum must be linked to industry skill standards, certifications, or licensing requirements, if applicable. Traditional classroom instruction should be combined with other activities, such as contextualized learning, work experience and internships.

e. Connecting Participants with Available Jobs

Applicant organizations should develop a job placement strategy that matches the skills and abilities of participants with local labor market openings within the selected job sectors. Job placement must be the goal for all participants enrolled in CP IV. Selected providers must have clear strategies to help each participant achieve this goal, including relationships with employers engaged in efforts to support job retention and advancement for program participants. The goal for all participants is to find above minimum wage employment with benefits and advancement opportunities. Job placement efforts must be focused on securing placements in jobs that are consistent with the occupational training(s) offered as part of each career pathway.

f. Case Management and Participant Supports

Strong case management is provided to ensure that participants receive timely, coordinated services and that resources are used to maintain an individual's ability to pursue the goals connected to each career pathway. Participant barriers and limitations are identified as well as strategies to address these barriers. The key functions of the case manager are to coordinate the services needed, as defined by the program participant in conjunction with the case manager, and to support individuals so they can achieve career plan goals. The case manager is expected to also serve as the mentor/career counselor to help participants problem solve, plan for future events, and remain focused on program completion. Programs that provide mentoring to individuals following job placement are preferred.

E. Career Pathways IV Milestone Structure

The CP IV milestones have been designed to promote the attainment of high school equivalency diplomas, job skills training certificates for in-demand occupations, and gainful employment for participants with a path toward job improvement and increased earnings. Additionally, the milestones reflect OTDA's priority of helping recipients of PA who are at least 16 years old obtain and retain employment by providing an enhanced payment when the individual achieving the milestone is in receipt of PA at the time of program entry, or as otherwise defined by OTDA.

The CP IV milestones are described below. OTDA reserves the right to modify milestone definitions, policy, and/or documentation requirements for the program. Participants may be enrolled at any time during the program period from April 1, 2025 through March 31, 2030. Eligibility for services must be established at the time of enrollment.

1. Career Plan Plus 60 Instructional Hours Milestone

The Career Plan Plus 60 Instructional Hours (CP+60) milestone must be claimed before any other milestone may be claimed. Other milestones may be completed in conjunction with and/or achieved before the 60 instructional hours are attained, but these milestones cannot be claimed until the CP+60 milestone is claimed.

The CP+60 milestone will be paid when:

- An initial IACP, or OTDA-approved equivalent, has been completed; and
- The individual participates in education related to employment, high school equivalency diploma preparation, job readiness training, and/or job skills training/vocational instruction for at least 60 hours. Work experience, including Work Experience Program (WEP) assignments through the district and unsubsidized employment, are also countable activities for up to 30 hours when combined with education, job skills and/or job readiness services.

The CP+60 milestone will be reimbursed as follows:

- \$1,000 for participants ages 16 and no older than 23 who do not receive PA; and
- \$1,250 for participants who are at least 16 years old and receive PA.

Although there are two reimbursement values for the CP+60 milestone, for planning purposes, applicants must estimate the number of milestones to be achieved at \$1,250.

2. Credentials

The Credential milestone is achieved when the participant obtains a high school equivalency diploma, secondary school diploma through an External Diploma Program, an Associate or Baccalaureate degree, and/or a job skills training certificate through an approved career pathway. Credentials serve as the formal recognition that an individual has demonstrated a specific set of skills and competencies to be successful in a particular industry or occupation and can show the individual's readiness for advanced training in that field. Job skills trainings must be part of a career pathway approved by OTDA and the WDB. Trainings must include instruction specific to the particular vocation or field and highlight the various skills needed to successfully perform the functions of the job. Certificates of completion must be awarded by the appropriate training entity for that discipline or field.

High school equivalency diploma milestones are achieved on the date the Test Assessing Secondary Completion (TASC) exam is taken, provided that the participant receives a passing grade. Associate and Baccalaureate degrees are achieved on the date the diplomas are awarded, and job skills trainings are achieved on the date the certificates are issued. The CP+60 milestone must be claimed prior to any credential claims.

Up to two Credential milestones may be claimed per participant and should be stacked as appropriate within each participant's approved career path. For example, a Certified Nurse's Assistant credential may be combined with a Licensed Practical Nurse credential. A high school equivalency diploma, secondary school diploma, Associate degree or Baccalaureate degree may be combined with any job skills training.

Credential milestones are broken into the following four categories:

- Level 1 – Job Skills Training programs that require less than 60 instructional hours;
- Level 2 – Job Skills Training programs that require 60 to 120 instructional hours;
- Level 3 – Job Skills Training programs that require 121 to 240 instructional hours; and
- Level 4 – Job Skills Training programs that require more than 240 instructional hours, high school equivalency diplomas, secondary school diplomas, Associate degrees, Baccalaureate degrees.

Credential milestones will be reimbursed as follows:

- Level 1 - \$500 for participants ages 16 and no older than 23 who are not in receipt of PA, and \$750 for participants who are at least 16 years old and in receipt of PA;

- Level 2 - \$1,000 for participants ages 16 and no older than 23 who are not in receipt of PA, and \$1,250 for participants at least 16 years old and in receipt of PA;
- Level 3 - \$1,500 for participants ages 16 and no older than 23 who are not in receipt of PA, and \$1,750 for participants who are at least 16 years old and in receipt of PA; and
- Level 4 - \$2,000 for participants ages 16 and no older than 23 who are not in receipt of PA, and \$2,250 for participants who are at least 16 years old and in receipt of PA.

Although the reimbursement values vary depending on the Credential milestone achieved, for planning purposes, applicants must estimate the number of milestones to be achieved at \$2,250.

3. Job Entry Milestone

A Job Entry milestone may be claimed when the participant has completed a CP+60 milestone and entered unsubsidized employment. The expectation is that the employment opportunity provides a permanent placement. Consistent with the CP IV model, participants should be placed into positions within their approved career pathways to the fullest extent possible.

If an individual is no longer participating in CP IV activities at the time of job entry, this milestone may only be claimed within 90 days from the date the last qualifying service was provided. Qualifying services include job search assistance, case management or attendance in a training class. Service provision must be clearly documented with case notes, attendance records, or by other means to establish that the client is an active CP IV participant with the organization for the 90-day period leading up to the job entry date.

If the participant is employed at the time of enrollment into CP IV, the Job Entry milestone may only be claimed under the following circumstances:

- The CP+60 milestone has been claimed; and
- A Credential milestone has been achieved.

Job Entry milestones will be reimbursed as follows:

- \$1,000 for participants ages 16 and no older than 23 who are not in receipt of PA; and
- \$1,250 for participants who are at least 16 years old and in receipt of PA.

Although there are two reimbursement values for the Job Entry milestone, for planning purposes, applicants must estimate the number of milestones to be achieved at \$1,250.

4. 60-Day Job Retention Milestone

The 60-Day Job Retention milestone may be claimed when the participant has maintained unsubsidized employment earning at least the New York State minimum wage for the county in

which the participant is employed, and is working an average of at least 20 hours per week for the 60-day employment period. Consistent with the CP IV model, participants should be placed into positions within their approved career pathways to the fullest extent possible.

If the participant is employed at the time of enrollment into CP IV, the 60-Day Job Retention milestone may only be claimed under the following circumstances:

- The CP+60 milestone has been claimed;
- A Credential milestone has been achieved; and
- An increase of at least 20% in average weekly earnings since enrollment into CP IV has been realized, excluding earnings increases directly related to the scheduled New York State Minimum Wage rate increases.

If a gap in employment occurs that is less than 45 days, the 60-Day Job Retention period includes all of the days worked minus the gap period. If a gap in employment is longer than 45 days, the 60-Day Job Retention period must start over again when employment resumes.

60-Day Job Retention milestones are broken into the following three categories:

- Level 1 – Participant earns the New York State minimum wage rate for the county in which s/he is employed, and works an average of at least 20 hours per week but no more than 29 hours per week for the 60-Day job retention period;
- Level 2 – Participant earns the New York State minimum wage rate for the county in which s/he is employed, and works an average of at least 30 hours per week but no more than 44 hours per week for the 60-day job retention period; and
- Level 3 – Participant earns the New York State minimum wage rate for the county in which s/he is employed, and works an average of at least 45 hours per week for the 60-day job retention period.

While the average weekly earnings are calculated based on the county minimum wage rate multiplied by the average hours indicated for each category above, it is expected that jobs qualifying for Level 2 and Level 3 reimbursement are likely a result of higher hourly earnings.

60- Day Job Retention milestones are reimbursed as follows:

- Level 1 - \$2,000 for participants ages 16 and no older than 23 and not in receipt of PA, and \$2,250 for participants who are at least 16 and in receipt of PA;
- Level 2 - \$2,500 for participants ages 16 and no older than 23 and not in receipt of PA, and \$2,750 for participants who are at least 16 years old and in receipt of PA; and
- Level 3 - \$3,000 for participants ages 16 and no older than 23 and not in receipt of PA, and \$3,250 for participants who are at least 16 years old and in receipt of PA.

Although the reimbursement values vary for the 60-Day Job Retention milestone based on average weekly earnings, for planning purposes, applicants must estimate the number of milestones to be achieved at \$2,500.

5. 120-Day Job Retention Milestone

The 120-Day Job Retention milestone may be claimed when the participant has maintained unsubsidized employment earning at least the New York State minimum wage rate for the county in which the participant is employed and is working an average of at least 20 hours per week for the 120-day employment period. Consistent with the CP IV model, participants should be placed into positions within their approved career pathway to the fullest extent possible.

If the participant is employed at the time of enrollment, the 120-day job retention milestone may only be claimed under the following circumstances:

- A CP+60 milestone has been claimed;
- A Credential milestone has been achieved; and
- An increase of at least 20% in average weekly earnings since CP III enrollment has been realized, excluding earnings increases directly related to the scheduled New York State Minimum Wage rate increases.

If a gap in employment occurs that is less than 45 days, the 120-Day Job Retention period includes all of the days worked minus the gap period. If a gap in employment is longer than 45 days, the 120-Day Job Retention period must start over again when employment resumes.

120-Day Job Retention milestones are broken into the following three categories:

- Level 1 – Participant earns the New York State minimum wage rate for the county in which s/he is employed, and works an average of at least 20 hours per week but no more than 29 hours per week for the 120-Day job retention period;
- Level 2 – Participant earns the New York State minimum wage rate for the county in which s/he is employed, and works an average of at least 30 hours per week but no more than 44 hours per week for the 120-day job retention period; and
- Level 3 – Participant earns the New York State minimum wage rate for the county in which s/he is employed and works an average of at least 45 hours per week for the 120-day job retention period.

While the average weekly earnings are calculated based on the county minimum wage rate multiplied by the average hours indicated for each category above, it is expected that jobs qualifying for Level 2 and Level 3 reimbursement are likely a result of higher hourly earnings.

120-Day Job Retention milestones are reimbursed as follows:

- Level 1 - \$2,000 for participants ages 16 and no older than 23 and not in receipt of PA, and \$2,250 for participants who are at least 16 years old and in receipt of PA;
- Level 2 - \$2,500 for participants ages 16 and no older than 23 and not in receipt of PA, and \$2,750 for participants who are at least 16 years old and in receipt of PA; and
- Level 3 - \$3,000 for participants ages 16 and no older than 23 and not in receipt of PA, and \$3,250 for participants who are at least 16 years old and in receipt of PA.

Although the reimbursement values vary for the 120-Day Job Retention milestone based on average weekly earnings, for planning purposes, applicants must estimate the number of milestones to be achieved at \$2,500.

The 120-Day Job Retention milestone goal must be at least 50% of the Job Entry milestone goal.

F. New York State Minimum Wage Rates

The state minimum wage increased on January 1, 2024 to \$16.00 per hour for New York City and the counties of Nassau, Suffolk and Westchester, and to \$15.00 per hour for the rest of the state. In addition to this increase, recent amendments to the Labor Law provide further increases by \$0.50 per year on January 1, 2025 and January 1, 2026.

Location	1/01/2024	1/01/2025	1/1/2026
NYC - Employers with ten or less employees*	\$16.00	\$16.50	\$17.00
Nassau, Suffolk & Westchester Counties	\$16.00	\$16.50	\$17.00
Remainder of New York State	\$15.00	\$15.50	\$16.50

*For purposes of calculating the average weekly earnings for CP IV participants, the Minimum Wage rate for NYC employers with ten or less employees will be used for all NYC job opportunities, regardless of employer size.

More information regarding the Minimum Wage rate may be found on DOL’s website at [Department of Labor Home Page | Department of Labor \(ny.gov\)](#).

G. Documentation Requirements

The following table summarizes the case record documentation requirements for each CP IV milestone. OTDA reserves the right to modify CP IV documentation requirements or accept other forms of documentation not included in the table on the next page.

DOCUMENTATION REQUIREMENTS

Issue/Milestone	Documentation
<p>Eligibility</p>	<p>TANF 200% of Poverty: Participants eligible under 200% of federal poverty guidelines must be 16 or 17-year-old heads of household, or unemployed/underemployed youth between the ages of 18 and no older than 23 at the time of enrollment. Applicants over the age of 23 at the time of enrollment are not eligible to be claimed under TANF 200% of federal poverty guidelines and must be in receipt of PA to qualify for CP IV services.</p> <p>Retain the completed TANF Services Application/Certification Form and the TANF Services Application/Certification Review Form in the case file. Per 02-INF-1, providers should indicate “TANF Purpose 3” at the top of each TANF Services Application/Certification Form. TANF Services Application/Certification Forms are valid for 12 months following the date of application and should be completed at the time of enrollment. For participants continuing in CP IV beyond the initial 12-month period, a new TANF Services Application/Certification Form and TANF Services Application/Certification Review Form must be completed to substantiate TANF 200% of federal poverty eligibility for the successive 12-month period.</p> <p>Recipients of PA: Retain the Welfare Management System (WMS) printout, district referral form/letter, or Notice of Decision letter from NYC HRA in the case file. Participants in receipt of PA must be at least 16 years old. Documentation to substantiate receipt of PA must be obtained at the time of enrollment and is valid for a 12-month period following the enrollment date. For participants continuing in CP IV beyond the initial 12-month period, new documentation to substantiate continued receipt of PA must be obtained to document eligibility under this category for the successive 12-month period.</p>
<p>Individual Assessment and Career Plan (IACP)</p> <p>60 Instructional Hours</p>	<p>The CP IV IACP, or an equivalent approved by OTDA, must be completed and retained in each participant’s case file. This document should be updated as participants progress in their career pathway.</p> <p>Attendance records such as class sign-in sheets, instructional rosters, or computer-generated records must be maintained in each participant’s file in order to document that at least 60 instructional hours were provided.</p> <p>Subsequent milestones cannot be claimed until the CP+60 milestone has been achieved and claimed.</p>

Issue/Milestone	Documentation
Credential	Maintain in the participant's file: <ul style="list-style-type: none"> • A copy of the high school equivalency diploma or secondary school diploma; • A copy of the TASC quarterly report, which may be obtained at https://eservices.nysed.gov/tasc/; • A copy of the certificate of completion for a vocational or job skills training program awarded by the governing agency; and/or • A copy of an Associate or Baccalaureate degree, or an • official college transcript demonstrating completion of course work.
Job Entry	A wage stub verifying that the participant began employment, an Employer Verification Form (Attachment 18), or an equivalent employer statement must be retained in each participant's case file. Job Entry documentation must contain the date the job commenced. When using wage stubs, OTDA must be able to clearly discern when a client started employment.
60-Day Retention	Wage stubs verifying at least 60 days of employment, an Employment Verification Form, or an equivalent employer statement must be retained in each participant's case file. 60-Day Job Retention documentation must meet the criteria outlined in Section III. E., indicate the date employment commenced, and cover at least 60 cumulative days of employment.
120-Day Job Retention	Wage stubs verifying at least 120 days of employment, an Employment Verification Form, or an equivalent employer statement must be retained in each participant's case file. 120-Day Job Retention documentation must meet the criteria outlined in Section III. E., indicate the date employment commenced, and cover at least 120 cumulative days of employment.

H. Participant Reporting Requirement

Selected organizations will be required to comply with participant reporting requirements as outlined by OTDA. Information may include, but is not limited to, participant demographics, activities, employment and wage verification. OTDA reserves the right to amend participant reporting requirements at any time during the contract period.

I. Milestone Reimbursement for Previously Served Participants

CP IV participants may have been previously served through the Career Pathways III Program, which ends on March 31, 2025. Milestones for individuals who enter employment on or before March 31, 2025 and maintain employment for 60 and/or 120 days must be claimed through the Career Pathways III Program. In instances where participants elect to continue receiving services through CP IV, the IACP must be completed on or after the April 1, 2025 start of this procurement. Career Pathways III assessments and Career Plan documents will not be accepted for clients continuing in CP IV. In addition, documentation to substantiate TANF eligibility must be updated at least every 12 months, if applicable, as outlined in the Documentation Requirements table above.

J. Voucher Submittal and Record Keeping

Vouchers for claims through CP IV must be submitted on at least a quarterly basis. Contractors must ensure that books, records, documents, and other evidence pertaining to milestones achieved provide the detail required by OTDA. Additionally, all records pertaining to awards made under this funding opportunity including financial audits, budgets, plans/drafts, supporting documents, statistical records, etc., must be retained for a period of at least six (6) years following the submission of the final expenditure report.

In the event any claim, audit, litigation or State/federal investigation is started before the expiration of the aforementioned record retention period, the records must be retained by the contractor until all claims or findings regarding the records are resolved. OTDA shall have access to any records relevant to the project, including books, documents, photographs, and correspondence necessary to make audit, examinations, transcripts, and excerpts. If OTDA determines that such records possess long-term historic value, they must be transferred to OTDA.

Projects will be monitored by OTDA on a regular basis throughout the term of the contract. Monitoring may include site visits and program reviews as well as regular telephone contact. The goal of monitoring is to ensure that the terms of the contract are being met. In addition, monitoring enables OTDA to provide technical assistance, where necessary, in order to assist the contractor in meeting the terms of the contract. It is the responsibility of the contractor to monitor any and all subcontracts.

IV. Proposal Requirements – Format and Content

Proposals will consist of two parts – a technical section and a budget section. To ensure that all proposals are evaluated on the same basis, all components of the sections must be included. OTDA's Employment and Income Support Programs will establish a Review Committee, to evaluate the technical and budget sections of the proposals. Applicants should not assume that the reviewers are familiar with their agency or the programs they operate.

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

A. Evaluation Process

The evaluation process will abide by the following rules:

1. Applicant organizations must meet the prequalification requirements set forth on page 6 of this RFP;
2. All bidders that are determined not to be responsive or responsible will be disqualified after completing an eligibility review; and
3. Proposals that fail to meet the requirements of the RFP may be disqualified after completing a full review.

B. Evaluation Criteria

1. Technical Section (80 points)

Program Specific Questions and related uploads – Points will be allocated based on the quality with which the proposal addresses the following items. The points assigned are reflective of the importance of each item as it relates to the total narrative score.

- **Priority Feature 1** (5 points) – The applicant proposes to serve unemployed or underemployed 18 through 23-year-olds residing in a county that has an average unemployment rate which exceeds the average annual unemployment rate for its applicable labor market region. Unemployment rates by labor market region are included at [Labor Data | Department of Labor \(ny.gov\)](#).
- **Priority Feature 2** (5 points) – The applicant demonstrates the labor market need for the proposed CP IV service area and indicates why existing local programs are not sufficient or available to provide the services OTDA is seeking. The specific job skills trainings to be offered are identified, as well as the associated employment sectors and job opportunities available for program graduates. An explanation regarding how the selected sector(s) are important to the local economy is provided. Local and regional evidence to demonstrate that the sector(s) chosen are in high demand and address skills gap shortages in the county and regional areas must be included. A list of local labor market analysts who can identify demand occupations is included at [Labor Data | Department of Labor \(ny.gov\)](#).
- **Priority Feature 3** (5 points) - The applicant represents a consortium of organizations including, but not limited to, high school equivalency diploma programs, community colleges, junior colleges, business and trade schools, vocational institutions, and institutions with baccalaureate degree-granting programs; programs that provide employment services, including but not limited to, post-secondary training designed to meet the needs of employers in the local labor market or catchment area; and programs that include education and training components, such as remedial education, individual training plans, pre-employment training, workplace basic skills, and literacy skills training. Education and training must include institutions, industry associations, or other credentialing bodies for the purpose of providing participants with certificates, diplomas, or degrees. Preference will be given to programs that offer credentials that are recognized by employers that offer higher wages and/or wage advancement. Collaborations must include at least one other eligible entity in addition to the district and the WDB. The roles and responsibilities of all partner entities must be provided, including a process for the ongoing exchange of information. If employers or employer organizations were involved in the development of the career pathway(s), an explanation of their ongoing role and contribution to the program must be provided.

- **Priority Feature 4** (5 points) - The applicant proposes to leverage additional community resources to support the program (e.g., federal tuition support, private funds, use of space and/or supplies, mentors, or job placement supports) and provide comprehensive participant support services including, but not limited to, tutoring, mentoring, childcare, afterschool program access, transportation, career planning and case management.
- **Recruitment and Marketing Strategies** (10 points) – A well-developed plan is identified to recruit individuals eligible for TANF services and includes recruitment goals as well as a variety of outreach methods and strategies. A screening and referral process is described and is likely to produce a sufficient number of candidates to achieve the desired outcomes, specifically those between the ages of 18 and no older than 23 at the time of CP III enrollment. A strong process has been developed with the district for the referral of PA recipients.
- **Project Strategy, Design and Training Methodology** (20 points) - The goal of this initiative is to connect program completers, including disconnected youth, to employment through a continuum of educational and training programs combined with integrated support services that will enable them to advance over time both to higher levels of education and to higher wage jobs in targeted occupational sectors. This section of your CP III proposal should provide an overview of the project design and contain the following:
 - The process for completing the initial participant assessment is clearly defined and includes any applicable entrance criteria. The applicant demonstrates an understanding of the comprehensive needs of the target population, including financial, emotional and employment needs. A plan to identify and refer ineligible participants to other appropriate services is clearly described;
 - The IACP is detailed and includes all of the elements identifies in Section III.D.A plan for updating the IACP as the participants progress through CP IV is made clear. A plan for monitoring participant progress and attendance is in place, and this information is shared with the district for participants in receipt of PA;
 - The key functions of the case manager are defined, and include coordinating an array of services in conjunction with the needs of the participant. The case management approach to be used to guide participants into and through the programs, services, and activities available to them is provided. Participant mentoring, particularly mentoring following job placement to help individuals acclimate to the workplace, handle finances, be successful in the job and prepare for and/or pursue workplace advancement, is described; and
 - A sound strategy for preparing participants for available employment opportunities is clearly described, including the specific job preparation activities, hours of participant engagement per week and the expected duration. The staff person responsible for assisting participants in gaining employment and conduction post-employment follow-up are identified and the responsibilities related to this task are explained. Priority will be given to organizations who assign staff with specific expertise in career guidance and/or vocational rehabilitation to this contract.
- **Career Pathways IV Roadmap(s)** (10 points) – Attachment 4 is provided for each career pathway proposed, and indicates the sequence of educations and training activities, the credentials to be earned, and the expected employment outcomes. Applicants may use this form or create their own to outline each career pathway they expect to include in the design of their CP IV program. A Career Pathways IV Roadmap must be uploaded for each pathway identified. In addition, applicants must include the following in their narrative response.

- **Organizational Experience and Past Accomplishments (20 points)** – The applicant provides evidence to demonstrate their capability and relevant experience in developing and operating employment and occupational training programs for the target populations, specifically unemployed and underemployed youth between the ages of 18 and up to 23 at the time of enrollment. Familiarity serving low-income youth and adults in receipt of PA or eligible under TANF 200% of federal poverty guidelines should also be made clear. Applicant agencies must demonstrate success providing education and job skills training programs, as well as in connecting individuals to permanent employment opportunities. A description of the services offered and specific outcome information, including job retention outcomes, must be provided. Applicants applying as members of a consortium must indicate the experience relevant to each applicant organization. Performance in meeting contract goals to date will be used in scoring this section for current OTDA contractors responding to this RFP. Applicants who are not current OTDA contractors should provide quantitative evidence of performance related to providing the specific services requested as part of this RFP and include names and contact information of funders to verify performance.

2. Budget Section (20 points)

The budget section will be scored in two separate parts, each of which are worth 10 points. Both parts of the budget section will be combined to derive a total budget score. Each part is explained in more detail below.

Part One (10 points): The performance-based budget will be examined to determine the extent to which milestone projections are reasonable. As the primary goal of this RFP is to assist eligible individuals with their employment and training needs, preference will be given to budgets that minimize CP + 60 costs in favor of those related to Credential and Job Retention milestones. High value budgets must show a clear progression from the CP + 60 milestone through the 120-Day Job Retention milestone. In addition, the 120-Day Job Retention milestone goal must be at least 50% of the Job Entry milestone goal.

Part Two (10 points): The remaining 10 points will be awarded using a rating system based on the total funds requested by each applicant divided by the proposed number of milestones indicated for the Credential and 120-Day Job Retention categories.

The following formulas will be used to assign cost points:

- Credential (C) = 5 Points
(Lowest C Bid Proposed ÷ C Bid Being Evaluated) x 5 Points = Points Earned Per Proposal
- 120-Day Job Retention (JR) = 5 Points
(Lowest JR Bid Proposed ÷ JR Bid Being Evaluated) x 5 Points = Points Earned Per Proposal

To illustrate how points would be earned, the following example is provided.

Proposal #1 requests \$300,000, and budgets for 54 C milestones (average cost = \$5,556). Proposal #2 requests \$270,000, and budgets for 40 C milestones (average cost = \$6,750). Proposal #3 requests \$200,000, and budgets for 25 C milestones (average cost = \$8,000). The score would be determined as indicated in the following chart:

Sample Calculations

Proposal	Average Cost Per Credential	Formula	Score out of 10 Points
#1	\$5,556	\$5,556/\$5,556 x 5	5

Proposal	Average Cost Per Credential	Formula	Score out of 10 Points
#2	\$6,750	$\$5,556/\$6,750 \times 5$	4.12
#3	\$8,000	$\$5,556/\$8,000 \times 5$	3.47

The remaining points are earned based on the average cost per JR. Proposal #1 requests \$300,000 and budgets for 18 JR milestones (average cost = \$16,667). Proposal #2 requests \$270,000 and budgets for 9 JR milestones (average cost = \$30,000). Proposal #3 requests \$200,000 and budgets for 12 JR milestones (average cost = \$16,667). The score would be determined as follows:

Sample Calculations

Proposal	Average Cost Per Job Retention	Formula	Score out of 10 Points
#1	\$16,667	$\$16,667/\$16,667 \times 5$	5
#2	\$30,000	$\$16,667/\$30,000 \times 5$	2.78
#3	\$16,667	$\$16,667/\$16,667 \times 5$	5

The C and JR points are then added to derive the total cost score, with Proposal #1 receiving the highest score.

Total Cost Score

Proposal	Scores	Total Score
#1	5 + 5	10
#2	4.12 + 2.78	6.9
#3	3.47 + 5	8.47

These scores and examples are used for illustrative purposes only. The actual scores will be derived from the submitted budget proposals and scored relative to one another per the formulas provided.

C. Restrictions on the Use of Funds

Allowable services supported with TANF funds must meet the federal definition of non- assistance. Federal regulation 45 CFR 260.31 defines assistance as cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (e.g., food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses). Assistance also includes supportive services such as transportation or childcare provided to unemployed individuals. Applicants are encouraged to leverage other funding sources to make available transportation and/or childcare assistance for CP III participants. Other items that are not allowable with TANF funds include, but are not limited to:

- Medical services other than for pre-pregnancy family planning services;
- Capital expenditures for improvement or acquisition of facilities;
- Food services expenses that are not directly related to the dissemination of information related to TANF (such as catered parties or lunches at events in the community and youth award dinners);

- Costs of entertainment, including amusement, diversion, and social activities, and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities); and
- Alcoholic beverages.

D. Method of Selection

The method of selection will be based on a point system. Awards will be based on the highest total points earned and in accordance with the guidelines set forth in Section II. B. In order to best maximize funding, OTDA reserves the right to consider lower scoring proposals to assure statewide coverage in multiple labor market regions and maximizing the participation of unemployed and underemployed youth between the ages of 18 through 23 years of age who reside in a county with a higher-than-average unemployment rate than that for the applicable labor market region. Regardless of score, OTDA reserves the right to:

- Seek clarifications and revisions of applications;
- Fund or not fund an application based on availability of funds and/or other relevant information, including an agency's financial position; and
- Award all, some or none of the funds available for CP IV.

E. Required Pre-Submission Uploads

Following are explanations of the forms applicants are required to upload prior to submitting an CP IV application. Download all forms by following the links available on The New York Statewide Financial System. If you are unable to produce required information, you must upload an explanation in its place

- **Agency Agreement (Attachment 1)** – This form must be signed by an authorized signatory and certifies agreement to the terms described herein.
- **District Partnership Form (Attachment 2)** – This form must be signed by the district representative for each district the applicant is proposing to serve. Completion of the District Partnership Form substantiates that the district has participated in the design of the CP IV proposal and agrees to identify and/or refer participants in receipt of PA during the program period.
- **Workforce Development Board Approval Form (Attachment 3)** - This form must be completed for the WDB in each district the applicant is proposing to serve. WDB approval must be obtained to demonstrate that the job skills trainings being offered are related to employment that is in demand within the labor market region.
- **Career Pathways III Roadmap (Attachment 4)** – A CPIV Roadmap, or an equivalent that includes the same elements, must be completed for each career pathway proposed by the applicant. Within this visual roadmap, applicants will identify each pathway and map out the required trainings, number of training hours, credential/certification(s) expected, and employment opportunities at each stage of the pathway.

- **M/WBE Goal Requirements Certification of Good Faith Efforts (Attachment 5)** – This form must be signed to certify agreement to document good faith efforts to provide meaningful participation by New York State certified M/WBE subcontractors or suppliers/vendors in the performance of this contract.
- **Staffing Plan (Attachment 6)** – The staffing plan should be completed based on the composition of staff working on the project. Enter the numbers or count in the corresponding boxes and add up the totals in each column. This form is for diversity research purposes only and has no bearing on M/WBE participation requirements or overall participation goals.
- **M/WBE-EEO Policy Statement (Attachment 7)** – This is an acknowledgement that New York State is an Equal Employment Opportunity employer, and by extension it expects all vendors, contractors, and subcontractors that hold contracts with New York State to ensure the same standard of equal opportunity in their employment practices. Applicants must sign and return the M/WBE – EEO Policy Statement with their proposals.
- **M/WBE Utilization Plan (Attachment 8)** – This form must be submitted with any bid, proposal, or proposed negotiated contract, or within a reasonable time thereafter, but prior to contract award. The Utilization Plan must contain a detailed description of the supplies and/or services to be provided by each certified Minority-Owned Business Enterprise (MBE) and Women-Owned Business Enterprise (WBE) under the contract. A dually certified firm cannot be counted toward both the MBE and WBE participation goals.
- **M/WBE Subcontractor and Suppliers Letter of Intent to Participate (Attachment 9)** This form must be submitted with any bid, proposal, or proposed negotiated contract or within a reasonable time thereafter, but prior to contract award. The form serves as an agreement with the vendors that will provide supplies and/or services under the approved contract. Letters of Intent must be submitted for each MBE and WBE indicated on the M/WBE Utilization Plan.
- **Subcontractor and Supplier Identification Form (Attachment 10)** This form for OTDA For-Profit and Nonprofit procurements (IFB/RFP/Contract Reporter \$50,000 or more) was created for applicants to complete as part of the bid solicitation. The form requires applicants for each new procurement (IFB/RFP/Contract Reporter Purchases of \$50,000 or more) to list all subcontractors and the requested information for each that is in place to provide the goods and services required by that contract. This form was created to provide OTDA with a list of all subcontractors and key information, including dollar value of the subcontracts over the contract term, to assist OTDA in assessing the discretionary portion of each contract and overall compliance with NYS/OTDA M/WBE requirements.

F. Terms and Conditions Governing this RFP

1. Awards will be made to applicants whose proposals are determined to best meet the criteria for proposal evaluation and selection set forth in this RFP. NYS OTDA reserves the right to terminate the contract in whole or in part, or to modify the contract at its discretion or due to the unavailability of funds. If additional funding becomes available, OTDA 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. OTDA also reserves the right to issue a new RFP to solicit new proposals.
2. This RFP does not commit OTDA to award any contracts or to pay any costs incurred in the preparation of a response to this RFP, or to procure or contract for any services. OTDA reserves the right to amend, modify, or

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

3. This RFP and any resulting contracts are subject to all applicable laws, rules, and regulations promulgated by any federal, State and municipal authority having jurisdiction over the subject matter thereof. 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, as to award by the DOB, and by the OSC. The successful applicant will receive the complete standard contract for execution in the New York Statewide Financial System. The applicant is encouraged to review sections of the contract that are attached before submitting an application.
4. It is the policy of OTDA 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 for provision of goods or services. OTDA may require applicants to demonstrate how they have complied or will comply with the aforesaid policy.
5. 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. Applicants may view a sample contract on the OTDA Procurement page. The following will be incorporated into any contracts resulting from this RFP:
 - NYS Master Contract Terms and Conditions;
 - Attachment A-2 (Program Specific Terms and Conditions);
 - Attachment B-2 (Expenditure-Based Budget);
 - Attachment C (Work Plan); and
 - Attachment D (Payment and Reporting Schedule).
6. Submission of a proposal will be deemed to be the consent of the applicant to any inquiry made by OTDA of third parties regarding the applicant's experience or other matters relevant to the proposal. OTDA 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, verification of past performance, personnel information, or other funding source information.
7. All products, deliverable items and working papers resulting from this contract will be the sole property of OTDA, and the applicant is prohibited from releasing these documents to any persons other than the Commissioner of OTDA or his/her 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 applicant, and who may be contacted during the period of proposal evaluation.

V. GENERAL INFORMATION FOR SUCCESSFUL BIDDERS

If you are awarded a contract, you will be required to submit certain forms and comply with the following information:

1. **Cost of Proposal Preparation** – The OTDA will not be liable for any costs of work performed in the preparation and production of a proposal, or for any work performed prior to the formal execution of a contract. By submitting a proposal, the bidder agrees not to make any claims for, or have any right to, damages because of any misunderstanding or misrepresentation of the specifications, or because of any misinformation or lack of information. The proposals shall become property of the State of New York.
2. **Assurances** – The applicant warrants that it has carefully reviewed the needs of the State as described in the RFP, its attachments and other communications related to the RFP, and that it has familiarized itself with the specifications and requirements of the RFP.

The applicant warrants that it can provide such services as represented in their proposal. The applicant agrees that it will perform all of its obligations in the resultant contract in accordance with all applicable federal, State and local laws, regulations and policies now or hereafter in effect.

The bidder affirms that the terms of the RFP and the attachments do not violate any contracts or agreements to which it is a party, and that its other contractual obligations will not adversely influence its capabilities to perform under the contract.

3. **Electronic Files or Data** – If electronic files are to be exchanged as a part of this proposal or as a product of the contract, they must conform to agency policy and guidelines.
4. **Conflict of Interest** – Applicants may be requested to provide evidence that the award of the contract from this RFP will not result in a conflict of interest with regard either to other work performed by the contractor, or to a potential conflict of interest among specific contractor staff or subcontractors.
5. **Ownership of Materials** – All materials developed with funding provided by the State and all proposals, work plans and budgets become property of New York State. All materials produced, either in whole or in part, through funding provided by New York State shall belong exclusively to OTDA and to the State of New York. OTDA may use any of the materials developed with program funds for any OTDA or other State purpose.
6. **Equal Employment Opportunity** – By submission of its bid, the successful applicant warrants that it is an Equal Opportunity Employer, and that it does not discriminate in its employment and business practices on any of the bases provided in the New York State Human Rights Law or any applicable federal laws.
7. **Prompt Payment Provisions** – The payment of interest on certain payments due and owed by the State may be made in accordance with the criteria established in Article XI-A of the State Finance Law.
8. **Contract Award** – Upon receipt of necessary State approvals, an award letter will be issued by OTDA to the successful applicant advising them of a contract award. A contract defining all deliverables and the responsibilities of the contractor and OTDA will then be developed for signature by both parties and for approval and processing in accordance with State policy and practice. The contract does not become legally binding upon the State of New York until it is executed by the OSC.
9. **Advances** - To the extent allowed by Federal law and regulation, OTDA may grant advances up to 25% of the contract value or an amount equal to the State share of the contract value or whichever amount is less, if requested and with sufficient justification. Any unexpended advance balance at the end of the contract period will be refunded by the Contractor to OTDA. In the event either party

terminates the contract prior to its expiration, the Contractor agrees to refund any outstanding advance balance to OTDA immediately. The repayment schedule is part of the Master Contract, Attachment D, Payment and Reporting Schedule.

- 10. Publicity** – Includes, but is not limited to, news conferences, news releases, advertising, brochures, reports, discussions and/or presentations at conferences or meetings. The inclusion of our materials, our agency name, or other such reference to New York State and/or OTDA in any document or forum is considered publicity. News releases or any other public announcements regarding this project may not be released without prior approval from OTDA.
- 11. Freedom of Information Law and Bidder's Proposals** – The purpose of New York State's Freedom of Information Law (FOIL), which is contained in Public Officers Law Sections 84-90, is to promote the public's right to know the process of governmental decision making and to grant maximum public access to governmental records. Thus, a member of the public may submit a FOIL request for contracts awarded by the State, or for the proposals submitted to the State in response to Requests for Proposals. After formal contract award, the proposal of the successful applicant and the proposals of non- successful applicants are subject to disclosure under FOIL. However, pursuant to Section 87(2)(d) of FOIL, a State agency may deny access to those portions of proposals or portions of a successful applicant's contract which "are trade secrets or submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Please note that information which you may claim as proprietary, copyrighted or rights reserved is not necessarily protected from disclosure under FOIL. If there is information in your proposal which you claim meets the definition set forth in Section 87(2)(d), you must so inform us in a letter accompanying your proposal.
- 12. Americans with Disabilities Act (ADA)** – The successful applicant shall comply with all applicable requirements of the ADA, codified at Title 42 of the United States Code, section 12101 et seq. and associated regulations, including, but not limited to, those located in 28 C.F.R. Part 36. The successful applicant shall comply with all applicable requirements of the New York State Human Rights Law, codified in the Executive Law sections 290-301 and applicable regulations implemented pursuant to that law. The successful applicant shall warrant to OTDA that the successful applicant is in compliance with both the ADA and its regulations, and the New York State Human Rights Law and its regulations. Any products developed as a result of this RFP must be in a format that can be converted for use by individuals with disabilities to meet the reasonable accommodation standards established by the ADA.
- 13. Contract Modification** – The contract budget can be modified, upon mutual agreements of the parties, during any term by written amendment. Budget modifications over 10% require external approvals by both the NYS Office of the Attorney General and the OSC.
- 14. Contract Cancellation** – OTDA reserves the right to cancel the contract or any part thereof, at any time, upon 30 days written notice. If, in the judgment of OTDA, the selected contractor fails to perform the work in accordance with the contract, OTDA may terminate the contract immediately by written notice for cause. OTDA may elect to suspend contract performance or provide a cure period prior to termination.
- 15. Responsibility Determination** – Article 11 of the New York State Finance Law requires that competitive bids be awarded to responsive and responsible bidders. In order to fulfill this requirement, you must complete the Vendor Responsibility Questionnaire in the VendRep system at <http://www.osc.state.ny.us/vendrep/index.htm>. By signing the bid proposal, you hereby authorize OTDA to review any records in its possession concerning your organization including, but not limited to, wage records, unemployment insurance records, public works records, labor standards, and safety and

health records. Based on the responses you provide, OTDA will determine whether your organization is a responsible bidder. If you are disqualified based on a determination of non-responsibility, you will be notified in writing and may appeal the determination in writing within 10 days to the Commissioner. If you fail to identify a violation and OTDA discovers the failure to disclose such violation, your contract may be terminated immediately upon written notice.

- 16. Insurance Coverage** - Successful bidders must provide acceptable proofs of disability and worker's compensation insurance coverage before their contract can be executed by the New York State Office of the State Comptroller.
- 17. Iran Divestment Act** – By submitting a bid in response to this solicitation, or by assuming the responsibility of a contract awarded hereunder, the contractor (or any assignee) certifies that it is not on the “Entities Determined to be Non-Responsive Bidders/Offerors Pursuant to the New York State Iran Divestment Act of 2012” list (Prohibited Entities List) posted on the OGS website at <https://ogs.ny.gov/iran-divestment-act-2012> and further certifies that it will not utilize for such contract any subcontractor that is identified on the Prohibited Entities List. Additionally, the contractor is advised that should it seek to renew or extend a contract awarded in response to the solicitation, it must provide the same certification at the time the contract is renewed or extended. During the term of the contract, should OTDA receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certification, OTDA will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then OTDA shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the contractor in default. OTDA reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities List after contract award.
- 18. OTDA Bid Protest Procedure** – It is the policy of the OTDA to provide all applicants with an opportunity to resolve complaints or inquiries related to bid solicitations or pending contract awards administratively. The OTDA encourages all successful or unsuccessful applicants who desire a debriefing to contact Employment and Income Support Programs directly. All such matters will be accorded impartial and timely consideration. Detailed procedures are as follows:
- **Formal Written Protests** – Final agency decisions or recommendations for award generally may be reconsidered only in the context of a formal written protest as described below. Any applicant or prospective applicant who believes that there are errors or omissions in the procurement process or who otherwise has been aggrieved in the drafting or issuance of this RFP, proposal evaluation, or contract award phases of the procurement, may present a formal complaint to the OTDA and request administrative relief concerning such action (“formal protest”). A formal protest must be submitted in writing to the OTDA, by ground mail (except where alternate arrangements have been made), to the Director of the OTDA Bureau of Contract Management (BCM), Jason Wilkie, 40 North Pearl Street, 12th Floor, Section D, Albany, NY 12243. A formal protest must include a statement of all legal and/or factual grounds for disagreement with an OTDA specification or purchasing decision, a description of all remedies or relief requested, and copies of any and all applicable supporting documentation.
 - **Deadline for Submission of Formal Protests or Omissions in the Procurement Process** The OTDA must receive formal protests concerning errors, omissions, or prejudice, including patently

obvious errors in the RFP specifications or documents, at least 10 calendar days before the proposal due date.

- **Deadline for Submission of Formal Protests of Contract Award** – The OTDA must receive a formal protest concerning a contract award within 10 business days of the issuance of notice of contract award.
- **Review and Final Determination of Protests** – Protests will be resolved through written correspondence. However, the protestor may request a meeting to discuss a formal protest or the OTDA may initiate a meeting on its own accord, at which time the participants may present their concerns. Either the protestor or the OTDA may decline such a meeting. Where further formal resolution is required, the Director of BCM may designate an OTDA employee (“designee”) to determine and undertake the initial resolution or settlement of any protest. The designee will conduct a review of the records involved in the protest and provide a memorandum to the Director of BCM summarizing the facts as determined by the designee, an analysis of the substance of the protest, and a preliminary recommendation. The Director of BCM shall: (a) evaluate the designee’s findings and recommendations, and the evaluation team’s reports and recommendations; (b) review the materials presented by the protesting party and/or any materials required of or submitted by other Offerors; (c) if necessary, consult with the OTDA Counsel’s Office; and (d) prepare a response to the protest. A copy of the protest decision, stating the reason(s) upon which it is based and informing the protestor of the right to appeal an unfavorable decision to the OSC shall be sent to the protestor or its agent within 45 calendar days of receipt of the protest, except that upon notice to the protestor such period may be extended. The protest decision will be recorded and included in the procurement record, or otherwise forwarded to the OSC upon issuance.
- **Appeals** – Specifics on the Nonprofit Contract Appeal Process can be found at: <http://otda.ny.gov/contracts/>. Upon receipt of the OTDA’s determination of a protest, a protestor has 10 business days to file an appeal of determination with the OSC, Bureau of Contracts. The appeal must be filed with Ms. Charlotte Breeyear, Director, Bureau of Contracts, New York State Office of the State Comptroller, 110 State Street, 11th Floor, Albany, NY 12236. The protestor’s appeal must contain an affirmation in writing that a copy of the appeal has been served on the OTDA, the successful applicant (except where the contracting agency upholds the protest and the successful applicant is the appealing party), and any other party that participated in the protest. In its appeal, the interested party shall set forth the basis on which it challenges the OTDA’s determination. The OSC Bureau of Contracts will conduct a formal review and issue its determination of the appeal in accordance with its established policy and procedures.
- **Reservation of Rights and Responsibilities of the OTDA** – The OTDA reserves the right to waive or extend the time requirements for protest submissions, decisions, and appeals herein prescribed when, in its sole judgment, circumstances so warrant to serve the best interests of the State and the OTDA. If the OTDA determines that there are compelling circumstances, including the need to proceed immediately with the contract award in the best interest of the State, then these protest procedures may be suspended, and such decision shall be documented in the procurement record. The OTDA will consider all information relevant to the protest, and may, at its discretion, suspend, modify, or cancel the protested procurement action including solicitation of bids or withdraw the recommendation of contract award prior to issuance of a formal protest decision.
- **Procurement Activity Prior to Final Protest Determination** – Receipt of a formal bid protest shall not stay action on a procurement unless otherwise determined by the OTDA. If a formal protest or appeal is received by the OTDA on a recommended award prior to the underlying contract being

forwarded to the OSC, notice of receipt of the protest and appeal must be included in the procurement record forwarded to the OSC.

If a final protest decision or final decision on appeal has been reached prior to transmittal to the OSC, a copy of the final decision must be included in the procurement record and forwarded with the recommendation for award. If a final protest decision is made after the transmittal of a bid package to the OSC, but prior to the OSC approval under State Finance Law §112, a copy of the final OTDA decision shall be forwarded to the OSC when issued, along with a letter either: (a) confirming the original OTDA recommendation for award and supporting the request for final §112 approval; (b) modifying the proposed award recommendation in part and supporting a request for final §112 approval as modified; or (c) withdrawing the original award recommendation.

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

19. Contractor Requirements and Procedures for Participation by New York State- Certified Minority and Women-Owned Business Enterprises (M/WBEs) and Equal Employment Opportunity (EEO) for Minority Group Members and Women and Workforce Utilization Reporting – Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations, OTDA is required to promote opportunities for the maximum feasible participation of New York State-certified M/WBEs, and the employment of minority group members and women in the performance of OTDA contracts.

Business Participation Opportunities for M/WBEs For purposes of this solicitation, OTDA hereby establishes an overall 30% M/WBE participation goal, and specific participation goals for both New York State-certified Minority-owned Business Enterprises (“MBE”) and New York State-certified Women-Owned Business Enterprises (“WBE”) will be assessed based on the nonprofit’s discretionary spending budget and participation opportunities therein. A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by M/WBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, the respondent agrees that OTDA may withhold payment to pursuant to any Contract awarded as a result of this RFP pending receipt of the required M/WBE documentation. The directory of M/WBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how OTDA will evaluate a Contractor’s “good faith efforts”, refer to 5 NYCRR §142.8.

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

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

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payments to M/WBEs had the contractor achieved the contractual M/WBE goals; and (2) all sums actually paid to M/WBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable M/WBE participation goals by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting the Contract’s program manager at OTDA. Additionally, a respondent will be required to submit the following documents as evidence of compliance with the forgoing:

- A. An M/WBE Utilization Plan (Form OTDA-4937, Attachment 8) with their bid or proposal. Any modifications or changes to an accepted M/WBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised M/WBE Utilization Plan and submitted to OTDA for review and approval.

OTDA will review the submitted M/WBE Utilization Plan and advise the respondent of OTDA acceptance or issue a notice of deficiency within 30 days of receipt.

- B. If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the OTDA a written remedy in response to notice of deficiency. If the written remedy that is submitted is not timely or is found by OTDA to be inadequate, OTDA shall notify the respondent and direct the respondent to submit, within five (5) business days, a request for a partial or total waiver of M/WBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the proposal.

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

1. If a respondent fails to submit an M/WBE Utilization Plan;
2. If a respondent fails to submit a written remedy to a notice of deficiency;
3. If a respondent fails to submit a request for waiver; or
4. If OTDA determines that the respondent has failed to document good faith efforts.

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

The successful respondent will be required to submit a Quarterly M/WBE Contractor Compliance & Payment Report (Attachment 11) to OTDA, by the 7th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the M/WBE goals of the Contract.

Equal Employment Opportunity (EEO) and Workforce Utilization Reporting Requirements – By submission of a bid or proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of Appendix A – Standard Clauses for All New York State Contracts including Clause 12 – Equal Employment Opportunities for Minorities and Women. The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements therein (the “Work”), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed (religion), color, national origin, sex, age,

disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the contract; or (ii) employment outside New York State.

The respondent will be required to submit a Minority and Women-Owned Business Enterprise and Equal Employment Opportunity Policy Statement (Form OTDA-4970, Attachment 9) to OTDA with its bid or proposal.

If awarded a Contract, the respondent shall submit form OTDA-4971 Workforce Utilization Report (Attachment 12) and shall require each of its subcontractors to submit a Workforce Utilization Report, in such a format as shall be required by OTDA on a QUARTERLY basis during the term of the Contract. The Workforce Utilization Report will include demographic information as requested in the Report and the Total Compensation for all groups of employees that perform work under each Occupation Classification and Job Title.

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

Providers with less than \$5,000 of discretionary spending opportunities over the full life of their contract period will have the ability to request an exclusion from the aforementioned MWBE requirements.

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

20. Participation Opportunities for New York State Certified Service-Disabled Veteran- Owned Businesses – Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran- Owned Businesses ("SDVOBs"), thereby further integrating such businesses into New York State's economy. OTDA recognizes the need to promote the employment of service- disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of OTDA contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders/Contractors are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. For purposes of this procurement, OTDA conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors, service providers, and suppliers to the Contractor. Nevertheless, Bidder/Contractor is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials. The directory of New York State Certified SDVOBs can be viewed at: <https://ogs.ny.gov/veterans/>.

Bidder/Contractor is encouraged to contact the Office of General Services' Division of Service-Disabled Veteran's Business Development at (518) 474-2015, or VeteransDevelopment@ogs.ny.gov to discuss methods of maximizing participation by SDVOBs on the Contract.

ATTACHMENT E
SECURITY AND CONFIDENTIALITY TERMS
Last Updated: June 2019

Table of Contents

Definitions.....	42
Data to be Disclosed	42
Purpose of Data.....	42
Ownership of Data.....	42
Data Exchange Details	42
Data Protection.....	42
Data Security.....	43
Data Location	43
Contract and Data Center Audit.....	43
Access.....	43
Training	44
Confidentiality Agreements.....	44
Background Investigation and Fingerprinting	44
Notification of Legal Requests	44
Report or Publication	45
Return/Destruction of Protected Information	45
Data Retention	45
Compliance with Information Security Breach Notification Act and other Laws	45
Vulnerability Scanning	45
Information Security Incident and Information Security Breach	45
Business Continuity and Disaster Recovery	46
Suspension/Termination.....	46
General Terms	46
Assignment or Subcontracting	46
Cloud Computing Provisions	46

The Security and Confidentiality Terms set forth in this Attachment E are made part of the Agreement between OTDA and the Contractor.

Definitions

For purposes of this Attachment E the following terms shall have the following meanings:

“Protected Information” means data or information to which the Contractor is given access which OTDA creates, receives, or maintains, which is, pursuant to federal and/or state laws, rules, regulations, policies or agreements, deemed confidential, personal, private and/or sensitive. Such data or information may be present or stored in any form or medium and includes, but is not limited to:

- a. Data or information obtained from sources outside of OTDA;
- b. Data or information maintained in and/or obtained from OTDA-owned applications, systems, networks and/or databases;
- c. Data or information identifying an individual, particularly where such disclosure could result in an unwarranted invasion of personal privacy;
- d. Computer codes or other electronic or non-electronic data or information, the disclosure of which could jeopardize the compliance stature, security or confidentiality of OTDA’s information technology solutions, applications, systems, networks or data;
- e. Any other material designated by OTDA as being “Confidential,” “Personal,” “Private,” or otherwise “Sensitive.”

“Authorized Persons” means the Contractor’s employees, subcontractors or other agents who are authorized and have a business justification to access Protected Information to enable Contractor to perform the services pursuant to the Agreement.

“Information Security Incident” means any allegation or suspicion held by or brought to the attention of an OTDA employee or Authorized Persons involving inappropriate or unauthorized access to, or disclosure of, Protected Information.

“Information Security Breach” means the unauthorized access by a non-Authorized Person of Protected Information as defined in New York State Information and Security Breach Notification Act (General Business Law Section 899-aa; State Technology Law Section 208).

“OTDA Contact” means the person or persons designated in writing by OTDA to receive Information security incident or Information security breach notifications.

“Continental United States (CONUS)” – the 48 contiguous States and the District of Columbia

“Follow the Sun” – Follow-the-sun is a type of global workflow in which tasks are passed around daily between work sites that

are many time zones apart. All helpdesk, online, and support services which access any Data must be performed from within CONUS. At no time will any Follow the Sun support be allowed to access Data directly, or indirectly, from outside CONUS.

Data to be Disclosed

While a listing of specific data elements and/or information required to effectuate the Agreement may be more specifically set out in the solicitation, the obligations set out apply not only to such data elements and/or information but to all Protected Information, as defined herein.

Purpose of Data

Contractor represents that it is requesting and/or providing Protected Information solely for purposes specified in this solicitation. OTDA will release Protected Information to Contractor exclusively for this purpose. Contractor shall use the Protected Information only for the authorized purposes specified in this Agreement.

Ownership of Data

Contractor agrees that OTDA shall be deemed the “owner” of Protected Information disclosed by OTDA to Contractor under this Agreement including for purposes of complying with the requirements of General Business Law Section 899-aa.

Data Exchange Details

Prior to OTDA’s sharing of any data pursuant to this Agreement, Contractor and OTDA shall work together to provide and establish a secure, encrypted (both in transit and at rest) method of data exchange for any transfer of such data which shall, at a minimum, comport with the standards set and required by the [New York State Chief Information Security Office](#) (NYS CISO) and, where required, any additional heightened compliance obligations applicable to and necessitated by the data involved in any such exchange. The NYS CISO’s office shall, as OTDA deems appropriate, be provided with details of such proposed method of exchange for review and approval. The Parties agree that they will work together to create and keep current a Technical Service Description, to be made part of this Agreement, which sets forth the details of the Protected Information which OTDA shall furnish to Contractor, including, at a minimum, the frequency of the disclosure, timing, technical details of the method of data exchange (including all relevant details), and the format of any response as between the Parties.

Data Protection

Safeguarding of Protected Information shall be an integral part of the business requirements and activities of the Contractor to ensure there is no inappropriate or unauthorized use or exposure of Protected Information at any time. Contractor shall safeguard the confidentiality, integrity, and availability of Protected Information and comply with the following conditions:

- a. Implement and maintain appropriate administrative, technical and organizational security measures to safeguard against unauthorized access, disclosure, or theft of Protected Information. Such security measures

shall comply with industry best practices and shall, at a minimum, comply with those requirements set forth by the [NYS CISO](#), and must comply with all applicable state and federal law, rules, regulations, and policies.

- b. All Protected Information shall be encrypted at rest and in transit, in accord with, at a minimum, the standard set forth by the [NYS CISO](#), all applicable state and federal law, rules, regulations and policies and, as appropriate, industry best practices.
- c. At no time shall any Protected Information be copied, disclosed or retained by the Contractor for any purpose other than performing the services under this Agreement.
- d. Contractor and Authorized Persons shall not disseminate, use, or permit the dissemination or use of Protected Information in any manner not described in this Agreement without express prior written consent from OTDA.
- e. Host all Protected Information and maintain and implement procedures to logically segregate and secure Protected Information from Contractor's data and data belonging to the Contractor's other customers, including other governmental entities.
- f. All data center(s) used to perform the services under the resulting Contract must, at a minimum, meet or exceed Tier 3 standards for redundancy and resilience, which can be found at the Uptime Institute website.
- g. The contractor must carefully, thoroughly, and thoughtfully vet all software solutions and hardware used to verify that they are compliant with the requirements set forth by the NYS CISO and fulfill the compliance obligations for the protection of OTDA's Protected Information. This vetting process shall also extend to all software solutions and hardware used by Authorized Persons.

Data Security

Contractor shall immediately disclose its non-proprietary security processes and technical limitations to OTDA such that adequate protection for Protected Information is attained. At a minimum Contractor represents and warrants that the security requirements and processes shall comport with the security standards and protocols set by the [NYS CISO](#). In addition, the Contractor shall also comply with any state and/or federal laws, rules, regulations and/or policies that are applicable to the data being exchanged under this Agreement, including any heightened compliance obligations. The system and procedure that the Contractor will maintain for handling, storage, use, and destruction of Protected Information governed by this agreement will be sufficient to allow OTDA and/or their designee(s) to audit compliance with this Agreement.

Data Location

Contractor shall provide its services to OTDA and OTDA's end users solely from data centers physically located within the continental United States (CONUS), meaning the 48 contiguous States and the District of Columbia. Storage of Protected Information at rest shall be located solely in data

centers in the United States. The Contractor shall not store, access, maintain, or process Protected Information on a mobile or portable device. The Contractor will store and maintain Protected Information in a place and manner that is physically secure from unauthorized access (e.g., locked cabinets or storage room) and will store and process electronic Protected Information in such a way that it will be secure from unauthorized access by any means.

Contract and Data Center Audit

The Contractor shall allow OTDA and any other authorized government agency to audit the Contractor's compliance with the security procedures set forth in this section. Contractor shall perform an independent audit of its data centers which contain Protected Information at least annually and provide OTDA a copy of such audit report. Any non-critical deficiencies identified in the audit report or where the Contractor is found to be noncompliant with Agreement safeguards must be remedied, within 90 days of the issue date of the audit report with proof of remediation provided to OTDA. Critical deficiencies must be immediately remedied within a timeframe that OTDA approves. The completion of these requirements is at the Contractor's expense with no additional cost to OTDA.

The contractor will maintain a formal policy and procedures for the handling, storage, use, and destruction of Protected Information governed by this Agreement which must be sufficient to allow OTDA and/or their designee(s) to audit compliance with this Agreement.

The contractor will permit OTDA, or their agent, to enter upon Contractor's premises at reasonable times to inspect and review their safeguards and procedures for protecting the confidentiality, privacy, security, and compliance of the Protected Information. The contractor will also cooperate with OTDA, or their agent, in connection with any request for access to staff, information, or material related to an OTDA confidentiality, privacy, security, or compliance review, audit, or monitoring visit.

The contractor will provide, at Contractor's expense, an independent third-party audit of all data center(s) used to perform the services under the resulting Contract showing no deficiencies. Thereafter on an annual basis, at the contractor's expense, a full version of the audit report will be provided to the State, within 30 days of the anniversary date of the Agreement. A Service Organization Control (SOC) 2 Type 2 audit report or approved equivalent sets the minimum level of a third-party audit.

Access

The contractor will limit access to Protected Information to Authorized Persons who have a legitimate business justification for access to such data for the purposes described in this Agreement.

For Protected Information with heightened compliance requirements, including but not limited to Unemployment Insurance Benefit information, Federal Parent Locator Services information, Federal Tax information, and Social Security

Association information, Contractor will provide a listing of such Authorized Persons to OTDA at intervals determined by OTDA. The contractor will ensure that this list is kept current with any additions, changes, or removal of Authorized Persons needing access.

Access to Protected Information by Authorized Persons shall be closely monitored by Contractor and shall be removed in the event such access is no longer justified by a legitimate business need or where the person separates from service. Such removal must be immediate but in no event later than the close of business on the date of the triggering event.

Notice of all such changes will be sent to:

OTDA General Counsel

40 North Pearl Street, 16C
Albany, New York 12243
(518) 474-9502
Otda.sm.iso@otda.ny.gov

The contractor may not assign or subcontract the Agreement, its obligation or interest hereunder, without the express, written consent of OTDA. Any assignment or subcontract made without such consent will be null and void and will constitute grounds for immediate termination of the Agreement by OTDA.

Contractor expressly represents and agrees that it will not re-disclose Protected Information provided by OTDA under this Agreement to third parties, including contractors or subcontractors, without the prior, written approval from OTDA. Authorized Persons shall not disseminate, use, or permit the dissemination or use of Protected Information in any manner not provided for in this agreement without the express prior, written consent from OTDA.

The contractor will undertake precautions to limit access to disclosed Protected Information to Authorized Persons only. The contractor will adopt safeguards and procedures to limit dissemination only to authorized individuals with a legitimate business need/purpose related to the purpose of this project as set out in this Agreement.

Training

The Contractor will ensure that all Authorized Persons who have access to any Protected Information for authorized purposes set forth in this Agreement have been instructed in a manner approved by OTDA regarding the confidential nature of the Protected Information, the safeguards required to protect such data, and the sanctions in applicable state, federal, and local laws, rules, regulations and/or policies for unauthorized disclosure of Protected Information. Contractor will annually sign an acknowledgement that all Authorized Persons with access to Protected Information have been instructed in a manner approved by and as set out above. Contractor will provide this acknowledgement upon request to OTDA and prior to the disclosure of any Protected Information hereunder and

annually, as required, to continue the disclosure of Protected Information hereunder.

Confidentiality Agreements

Contractor shall require Authorized Persons to sign a confidentiality and non-disclosure agreement provided by OTDA in relation to access to Protected Information. Such signed agreements must be obtained prior to Authorized Persons commencing work. Contractor shall maintain such agreements for the duration of the audit period as set out in this Agreement and for the duration of any state, federal, and local laws, rules, regulations and policies applicable to the Protected Information being exchanged under this Agreement, whichever is longer, and shall provide them to OTDA upon request.

Background Investigation and Fingerprinting

Contractor shall have a written personnel security policy that ensures a background investigation is completed for any individual who will need access to perform his/her job duties to Protected Information with heightened compliance obligations. The policy will identify the process, steps, and timeframes for determining whether an employee may be granted access to such Protected Information. The results of the background check will be reviewed by the Contractor to determine whether the applicant is suitable for access to such Protected Information. Suitability is defined as having verified citizenship or residency and no prior criminal offense or offenses where the nature of the offense creates a risk of misuse of such Protected Information as defined within this Agreement. Written background investigation policies and procedures must be provided to OTDA for review and approval. Policies and procedures, as well as a sample of completed background investigations, must be available for inspection upon request by OTDA or its agents.

Notification of Legal Requests

The Contractor shall immediately inform OTDA in writing upon receipt of any legal, investigatory, or other mode or method of demand (including but not limited to FOIL or FOIA requests, electronic discovery, litigation holds, and discovery searches) for access to Protected Information that is not otherwise authorized under this Agreement and shall take and vigorously pursue all necessary legal action to prevent any disclosure including, but not limited to, moving to quash subpoenas issued for such information. The Contractor will keep OTDA's General Counsel fully and timely notified of all developments related to such legal actions and their response thereto, and provide appropriate, robust legal assistance as may be required, as requested by OTDA. The notification shall be directed to:

OTDA General Counsel
40 North Pearl Street 16 C
Albany, NY 12243
(518) 474-9502
Otda.sm.iso@otda.ny.gov

Report or Publication

Contractor will ensure that any study, report, publication, or other disclosure for which Protected Information shared by OTDA is the basis and which is permitted under this Agreement is limited to the reporting of aggregate, de-identified data, which means it will not contain any information that might lead to the identification of a private person or entity. OTDA shall have the right to review and approve any such study, report, publication, or other disclosure prior to disclosure or publication.

Return/Destruction of Protected Information

In the event of termination or expiration of the Agreement, Contractor shall immediately implement an orderly return of all Protected Information, whether in digital or any other form, in a mutually agreeable format at a time agreed to by the parties and/or at the direction of OTDA. Thereafter, the Contractor shall, unless otherwise advised in writing by OTDA, immediately destroy and/or sanitize, as appropriate to the medium, such data and any extracts, copies, or backups of same thoroughly and irretrievably. The method for the sanitization of data shall, at a minimum, comport with the standards set by the [NYS CISO](#) for the sanitization of data. Contractor shall thereafter certify in writing and provide proof that these actions have been completed within 30 days of termination or expiration of this Agreement or within seven days of the request of an agent, employee or officer of OTDA, at the discretion of OTDA. The Contractor will not make, retain, copy, duplicate, or otherwise use any copies of Protected Information after completion of the purpose for which the data disclosed is served without prior written permission from OTDA.

Data Retention

Notwithstanding any other obligation under this Agreement, Contractor agrees that it will preserve the Protected Information in a manner that complies with all applicable federal, state and local laws, rules, regulations, and policies for the purposes of ensuring applicable data records retention obligations are met.

Compliance with Information Security Breach Notification Act and other Laws

Contractor represents and warrants that its collection, access, use, storage, disposal and disclosure of Protected Information does and will comply with all applicable federal, state and local privacy, confidentiality, security, data protection and compliance laws, rules, regulations, policies, and directives. Contractor warrants that it will comply with the applicable New York State Information and Security Breach Notification Act (General Business Law Section 899-aa; State Technology Law Section 208). The contractor ensures that it and all Authorized Persons will be in compliance with the aforementioned state, federal, and local laws, rules, regulations, policies, and directives.

Vulnerability Scanning

The contractor must perform appropriate and required environment vulnerability scanning in accordance with Industry

best practices and standards. The contractor must address all high and medium vulnerabilities found during scanning in a reasonable timeframe as agreed upon with OTDA.

OTDA, through ITS, will have the option to perform application scanning and web server scanning, as needed. The contractor must address all high and medium vulnerabilities found during scanning in a reasonable timeframe as agreed upon with OTDA.

When software vulnerabilities are revealed and addressed by a vendor patch, the Contractor will obtain the patch from the applicable vendor and categorize the urgency of application as either "critical" or "non-critical" in nature. The determination of the critical versus non-critical nature of patches is solely at the reasonable discretion of OTDA in consultation with ITS and Contractor. The contractor will apply all critical security patches, hotfixes, or service packs as they are tested and determined safe for installation after consultation with OTDA and ITS.

Information Security Incident and Information Security Breach

If the Contractor or any Authorized Person becomes aware of or has knowledge of either any potential Information Security Incident (Security Incident) or Information Security Breach (Security Breach), then the Contractor shall within 30 minutes of becoming aware or having knowledge of any potential Security Incident or Security Breach, notify the OTDA contact listed below of the Security Incident or Security Breach via the email address noted, and OTDA will direct what further action is necessary for response to the same. At such time, Contractor shall provide OTDA with the name and contact information for an employee of Contractor who shall serve as Contractor's primary security contact and shall be available to assist OTDA 24 hours a day, seven days per week, in keeping OTDA fully and timely notified of all developments relating to any such potential or actual Security Incident or Security Breach utilizing the following contact information:

OTDA General Counsel
40 North Pearl Street 16 C
Albany, NY 12243
(518) 474-9502
otda.sm.iso@otda.ny.gov

Should an Information Security Incident or Security Breach occur, immediately following the requisite notification to OTDA, Contractor shall 1) promptly investigate and utilize best efforts and IT industry best practices to determine the cause(s) of same and devise a proposed resolution and report the cause(s) and suggested remedies to OTDA; (2) promptly implement necessary remedial measures as OTDA deems necessary; (3) document responsive actions taken, including any post-incident review of events and actions taken to make changes in business practices to prevent similar instances in the future; 4) provide reports within the timeframes as requested by OTDA; 5) promptly notify OTDA of the steps taken to prevent similar instances in the future ; and 6) take any other action as may be directed by OTDA.

Notification and Assistance to Affected Persons.

Contractor shall be responsible for:

- a. Promptly notifying individuals whose Protected Information was compromised by an Information Security Breach (“Affected Persons”) or, as OTDA deems appropriate, an Information Security Incident. The contractor is to first seek consultation and receive authorization from OTDA prior to issuing such notifications. OTDA shall approve the content of and the method by which such notifications must be provided (e.g., regular mail, e-mail, and/or website posting);
- b. If requested by OTDA and/or required by law, provide credit monitoring services, identity theft consultation and restoration, identity theft insurance, public records monitoring, toll free number and call center, payday loan monitoring, and any other services deemed reasonably necessary by OTDA to Affected Persons for a minimum of one year or longer, as determined by OTDA, (together referred to as “Affected Persons Assistance”);
- c. Costs. The Contractor shall bear all costs associated with providing Affected Persons Assistance. OTDA may reduce any Contractor invoice by an amount attributable to the Contractor’s failure to satisfactorily provide Affected Persons Assistance.

Business Continuity and Disaster Recovery

The Disaster Recovery system shall be accessible by all users 24 hours a day, seven days a week, 365 days a year and available 99.982% of the time (uptime) per month and must not be rendered inoperable for any longer period for the purposes of maintenance, upgrades or hardware additions. OTDA will work with the Contractor to provide a listing of all essential functions related to the Agreement that must be sustained and maintained for the duration of the agreement. The Contractor shall have no less than one redundant data centers separated by at least 100 miles and on separate network fiber and separate power grids.

Contractor shall failover application to alternate hardware to perform planned maintenance, patches, code revisions, etc. to one instance, thoroughly test, then switch back to the upgraded instance before repeating the planned maintenance, patch, code revision, etc. on the second instance.

The contractor will provide OTDA with a business continuity and disaster recovery plan. This plan will include detailed precautions to minimize the effects of any disaster or interruption of service so that OTDA can rapidly continue to operate and resume mission-critical functions. OTDA will work with the Contractor to provide an analysis of business processes and continuity needs. The contractor will provide technical support staff with the skills required to interface with OTDA’s application, network, hardware, and software during planning and preparation for disaster recovery and business

continuity testing and/or during any declaration of an actual disaster. Minimum recovery time objective (RTO) and recovery point objective (RPO) will be determined by OTDA.

Suspension/Termination

OTDA agrees to provide Protected Information pursuant to this Agreement subject to the representations and agreements by the Contractor contained in this document. OTDA will suspend the Agreement and the further disclosure of any Protected Information hereunder if: (i) Contractor fails to comply with any provision of this Agreement or (ii) OTDA General Counsel believes in good faith that the Contractor has violated its obligations to maintain the confidentiality, privacy, security and/or compliance status of such data or limit properly limit dissemination of such data. Such suspension will continue until corrective action, approved by OTDA, has been taken. In the absence of prompt and satisfactory corrective action, OTDA may, at its sole discretion, terminate the Agreement. Upon termination, the Contractor must immediately return all Protected Information obtained by the Contractor or Authorized Persons under the Agreement pursuant to the terms and conditions of the Return/Destruction of Protected Information section within this Agreement.

General Terms

In addition to suspension or termination of the Agreement as provided herein, OTDA reserves the right to undertake, without limitation, any other action under the Agreement, or state or federal law, rule, or regulation, to enforce the Agreement and secure satisfactory corrective action and/or return and/or destruction of the Protected Information furnished hereunder, including seeking damages, penalties, and restitution from Contractor or its affiliates as permitted under law.

The Contractor’s and Authorized Person’s confidentiality and related assurances and obligations hereunder shall survive the termination or expiration of the Agreement.

Assignment or Subcontracting

The Contractor may not assign or subcontract the obligations or interests outlined in this Section of this Agreement, without the express, prior written consent of OTDA. Any assignment or subcontract made without such consent will be null and void and shall constitute grounds for immediate termination of the Agreement by OTDA.

Cloud Computing Provisions

All privacy, confidentiality, security and compliance requirements set out in this Agreement shall apply to any cloud computing solution proposed for use by the Contractor to accomplish any obligation under this Agreement.

PART B: Instructions for Completing the Application:

The CPIV must be submitted in The New York Statewide Financial System at [The Statewide Financial System of New York \(ny.gov\)](https://www.nysfs.ny.gov). Eligible entities are not-for-profit community-based organizations. Applicants should submit one application per agency. Applications may not be accepted outside of The New York Statewide Financial System.

PART C: List of Required Upload Documents

Following is a list of the forms applicants are required to upload as part of the Career Pathways IV application. Download all forms on the Statewide Financial System. Upload all forms in the places designated throughout the application. If you are unable to produce required information, you must upload an explanation in its place.

- 1. Agency Agreement**
- 2. District Partnership Form**
- 3. Workforce Development Board Approval Form**
- 4. Career Pathways III Roadmap**
- 5. M/WBE Goal Requirements Certification of Good Faith Efforts**
- 6. Equal Employment Opportunity Staffing Plan**
- 7. M/WBE EEO Policy Statement**
- 8. M/WBE Utilization Plan**
- 9. M/WBE Subcontractors and Suppliers Letter of Intent to Participate**
- 10. Subcontractor and Supplier Identification Form**

VI. PART D: Additional Attachments for Reference

11. Quarterly M/WBE Compliance & Payment Report
12. Workforce Employment Utilization Report
13. District Contact Information
14. TANF Services Application/Certification Form
15. TANF Services Application/Certification Review Form
16. Noncustodial Parent Informational Referral Form
17. Individual Assessment and Career Plan
18. Employment Verification Form
19. OSC Vendor Responsibility Questionnaire