



Release Date: **7/22/2021**

Request for Proposals

## **RESPONSE TO HUMAN TRAFFICKING PROGRAM (RHTP)**

Submission Deadline: **08/23/2021** by 2:00 pm

## **BIDDERS' TELEPHONE CONFERENCE**

**Participation during the bidders' telephone conference is voluntary. OTDA staff will entertain questions about the RFP and its process during the teleconference. The following information is necessary to participate in the bidders' telephone conference:**

<b>Conference Call Date and Time</b>	<b>07/29/2021 at 2:00 pm EST</b>
<b>Conference Call-In Number</b>	<b>(866) 394-2346</b>
<b>Conference Code</b>	<b>4300590625</b>

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## PART A - SUMMARY INFORMATION

### I. INTRODUCTION

The New York State Office of Temporary and Disability Assistance (OTDA) issues this Request for Proposals (RFP) to solicit services for New York State confirmed Human Trafficking Victims under the NYS Response to Human Trafficking Program (RHTP).

OTDA anticipates distributing funding annually for five-year contracts under this procurement. All program funds are State funds from the New York State budget specifically appropriated for combating human trafficking and which are subject to continued availability. Use of these funds must relate to service provision to those trafficked persons who have been confirmed as a trafficking victim by OTDA and Division of Criminal Justice Services (DCJS) with a focus on those trafficking victims who would otherwise have no access to needed services. Other costs, such as construction and renovation costs, are not allowable under this program.

Currently funded programs should note that modifications have been made to the RHTP program to increase effectiveness, accountability, and to comply with state reporting requirements. Services will no longer be limited to those provided in a 12-week period. Expenditures must be budgeted using a line item budget. Units of service provided within each Program Costs category must be tracked separately and reported on a quarterly basis.

OTDA may fund agencies to provide services in some or all the following counties within these three regions:

<b>New York City:</b>	Bronx, Kings, Queens, New York, Richmond
<b>Metro Area:</b>	Nassau, Suffolk, Westchester, Rockland, Orange, Putnam, Sullivan, Ulster, and Dutchess
<b>Rest of State:</b>	All other counties

The deadline for receipt of proposals is no later than 2:00 p.m. on **08/23/2021**. See page 6 for additional information.

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

Eligible applicants must complete and submit all forms and narratives and relevant attachments required by this RFP and all required/applicable attachments. If it is determined that the application fails to meet the minimum requirements for Eligible Grant Applicants or for Eligible Participants, the proposal may not be scored.

It is the policy of OTDA to provide all program Applicants with an opportunity to resolve complaints or inquiries related to bid solicitations or pending contract awards administratively. OTDA encourages all Applicants to seek resolution of complaints concerning the contract award process through consultation with OTDA. All such matters will be accorded impartial and timely consideration. Detailed procedures are provided on OTDA website at Contracts-Grant Opportunities <http://otda.ny.gov/contracts/>. OTDA continues to encourage all successful or unsuccessful applicants who desire a debriefing to contact the OTDA directly.

An appeal may be requested by following the protest procedures established by the Office of the

State Comptroller (OSC). These procedures can be found in the OSC Guide to Financial Operations at <http://www.osc.state.ny.us/agencies/guide/MyWebHelp>. Go to Chapter XI Procurement and Contract Management, 17. Protest Procedures for further information.

## II. PREQUALIFICATION REQUIREMENT

Pursuant to the New York State Division of Budget Bulletin H-1032, dated June 7, 2013, New York State has instituted key reform initiatives to the grant contract process which require not-for-profits to register in the Grants Gateway and complete the Vendor Prequalification process in order for proposals to be evaluated. Information on these initiatives can be found on the Grants Management website at <https://grantsmanagement.ny.gov/resources-grant-applicants>.

**Proposals received from nonprofit applicants that have not Registered and are not Prequalified in the Grants Gateway by 2:00 PM the proposal due date of 08/23/2021 cannot be evaluated. Such proposals will be disqualified from further consideration.**

Below is a summary of the steps that must be completed to meet registration and prequalification requirements. Additional information on prequalification can be found on the [Grants Management website](#).

### 1. Register for the Grants Gateway.

- If you are not registered with the Grants Gateway, go to the Grants Management website found [here](#), download, and complete the Registration Form for Administrators. The form must include the original signature of the head of the organization and the form must be notarized. The notary *must complete* each box in the "Acknowledgement to be completed by a Notary Public" section, and then sign and stamp the form.
- Either include wording that tells applicants to review that Grants Management website for further registration requirements *OR* include the following information:
- You must also submit an up-to-date Organization Chart with the head of the organization at the top of the chart and including the names and titles of those that are included. Also, if your organization does not already have a New York State SFS Vendor ID, you will need to download, complete and submit a Substitute W-9 Form.
- All required documents (the registration form, organization chart and Substitute Form w9), need to be emailed, (we are not currently accepting mailed in forms as we are still working remotely), to [GrantsReform@its.ny.gov](mailto:GrantsReform@its.ny.gov).
- If you have previously registered with the Grants Gateway and no longer know your username, please email, [GrantsGateway@its.ny.gov](mailto:GrantsGateway@its.ny.gov) from the email address you registered with, requesting it be sent to you. If you do not know your Password, please click the [Forgot Password](#) link from the login screen and follow the prompts to have a new temporary password emailed to you.

### 2. Complete your Prequalification Application.

- Log in to the [Grants Gateway](#). **If this is your first time logging in**, you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click SAVE.
- Click the *Organization(s)* link at the top of the page and complete the required fields including selecting the State agency you have the most grants with. This page should be completed in its entirety before you SAVE. A *Document Vault* link will become available near the top of the page. Click this link to access the main Document Vault page.

- Answer the questions in the *Required Forms* and upload *Required Documents*. This constitutes your Prequalification Application. Optional Documents are not required unless specified in this Request for Proposal.
- Specific questions about the prequalification process should be referred to the OTDA prequalification representative, Rick Umholtz at [Richard.Umholtz@otda.ny.gov](mailto:Richard.Umholtz@otda.ny.gov) or to the Grants Management Team at [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov).

### 3. Submit Your Prequalification Application

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

**Vendors are strongly encouraged to begin the prequalification process as soon as possible to participate in this opportunity.**

### III. PROCUREMENT SCHEDULE/ SUBMISSION GUIDELINES

(OTDA reserves the right to modify the dates)

Release Date of the Request for Proposals_____	07/22/2021
Bidder's Conference Call_____	07/29/2021 at 2:00pm
Deadline for Written Questions_____	08/05/2021
Response to Questions_____	08/12/2021
<b>Due Date and Time for Proposals_____</b>	<b>08/23/2021 by 2:00pm EST</b>
Anticipated Notification of Awards_____	10/01/2021
Anticipated Contract Start Date_____	10/01/2021

### QUESTIONS AND ANSWERS REGARDING THIS RFP

Prospective applicants may submit questions via fax, email or written correspondence to the individual and address below. Questions must be submitted no later than 08/05/2021 to:

Malgorzata Sekowska  
 New York State Office of Temporary and Disability Assistance  
 317 Lenox Ave, 8<sup>th</sup> Floor  
 New York, NY 10027  
 Fax: (212) 961-4441  
 Email: [malgorzata.sekowska@otda.ny.gov](mailto:malgorzata.sekowska@otda.ny.gov)

OTDA will respond to questions by 08/12/2021. Questions and answers will be posted on OTDA's website on the *Contracts and Grants Opportunities* web page, located at <http://otda.ny.gov/contracts/>

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

## PROPOSAL SUBMITTAL

Applications must be submitted electronically via Grants Gateway at <https://grantsgateway.ny.gov> by 2:00pm on 08/23/2021. Applicants are strongly encouraged to complete the electronic application submission process several days before the application due date to ensure the application is successfully accepted by the Grants Gateway System. Applicants should consider that the application due date may have a high volume of submissions, which may slow down State systems and increase the time needed for applications to be received by the Grants Gateway System. Applications must be received on or before the stated deadline. Applicants must take this processing time into consideration by allowing enough time to enter submissions so that the application is submitted error-free by the deadline. OTDA will not accept mailed proposals, faxed proposals, or proposals sent via electronic mail.

In order to be notified of future requests for proposals, agencies must be registered on the Grants Reform website. Complete instructions on how to register can be found at the following website: <https://grantsmanagement.ny.gov/resources-grant-applicants>.

The OTDA recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System Instructions at <http://www.osc.state.ny.us/vendrep/enroll.htm> or go directly to the VendRep System online at <https://onlineservices.osc.state.ny.us>.

Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the Office of the State Comptroller's IT Service Desk at 866-370-4672 or 518-408-4672 or by email at [ITServiceDesk@osc.state.ny.us](mailto:ITServiceDesk@osc.state.ny.us). Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep) or may contact the or the Office of the State Comptroller's Help Desk for a copy of the paper form.

## IV. STATE AUTHORITY

OTDA established *the New York State Response to Human Trafficking Program (RHTP)* under Social Services Law (SSL) after the New York State Human Trafficking Law was signed into law on June 6, 2007 (Chapter 74 of the Laws of 2007). The anti-human trafficking law establishes state crimes of sex trafficking and labor trafficking and provides a mechanism to allow confirmed victims of human trafficking to receive services through designated RHTP providers. The New York State Human Trafficking Law also amended the Social Services Law, adding Article 10-D entitled "Services for Victims of Human Trafficking" to permit New York State confirmed victims to be served. Section 483-bb provides a non-exhaustive list of services that can be provided, including, but not limited to: case management, emergency temporary housing, health care, mental health counseling, drug addiction screening and treatment, language interpretation and translation services, English language instruction, job training and placement assistance, post-employment services for job retention, and services to assist the individual and any of his or her family members to establish a permanent residence in New York or in the United States as well as voluntary placement in a short-term or long-term safe house, as defined in SSL § 483-aa. Such activities are also supported by the 2021-2022 budget appropriation language.

## V. PROGRAM DESCRIPTION

### A. Purpose

Effective implementation of the New York State Human Trafficking Law has four key objectives, which are to:

1. Increase prevention of and protection against trafficking for vulnerable populations;

2. Improve the capacity of the human services sector to address human trafficking;
3. Increase access to quality services for survivors of human trafficking; and
4. Increase investigation and prosecution of perpetrators of human trafficking.

To accomplish these specific objectives, the RHTP:

1. Addresses the serious and wide-ranging service issues facing trafficked persons who may lack access to mainstream services;
2. Eases the transition of trafficked persons into the State's assistance programs and bridges needs until federal certification occurs;
3. Empowers trafficked persons to be effective partners in the approach of their case management;
4. Provides funding to support outreach to engage other providers and stakeholders to identify victims of human trafficking; supports local collaboration such as the Domestic Violence Task Force, or other Trafficking Task Forces, working to identify and serve trafficked persons and create and/or support Task Forces in particular areas; and supports outreach, education and survivor-led initiatives.

## **B. Background**

The Office of Temporary and Disability Assistance (OTDA) is responsible for the implementation of services to trafficked persons who have been confirmed as a trafficking victim by OTDA and DCJS with a focus on those trafficking victims who would otherwise have no access to needed services.

The Trafficking Victims Protection Act of 2000 (TVPA) was the first comprehensive national effort to address human trafficking. It provided for enhanced penalties for human trafficking crimes and special service programs to provide assistance to victims. The TVPA was a watershed development in addressing trafficking on a national level.

New York took steps to address this when the State enacted the Human Trafficking Law on June 6, 2007. The law represents a multi-faceted and multi-disciplinary approach to fighting the effects of human trafficking. In 2016, these laws were strengthened and allowed for service providers to make direct referrals to the New York State Victims Referral Process that began after the 2007 law. This has led to a large increase in the amount of trafficking victims identified within the state.

These laws also authorize services to those trafficked persons who have been confirmed as a trafficking victim by OTDA and DCJS with a focus on those trafficking victims who would otherwise have no access to needed services and who are unable to obtain assistance elsewhere. The services provided include access to case management services; emergency temporary housing assistance; health care; mental health counseling; legal services; drug addiction screening and treatment; language interpretation and translation services; English language instruction; and job training and placement services. Through contracts with regional contractors as part of its Response to Human Trafficking Program, OTDA makes these services available to eligible participants and family members.

In 2018, the program expanded to give providers the ability to serve all state-confirmed victims of human trafficking.

## **VI. ELIGIBLE GRANT APPLICANTS**

Only proposals submitted by Eligible Grant Applicants, as defined below, will be accepted for review.

Eligible applicants include non-governmental organizations: nonprofit corporations, including charitable organizations incorporated, registered and in good standing with the Charities Bureau of the Attorney General in the State of New York; faith-based organizations and educational institutions.

Eligible applicants must be located in and do business in New York State. Proposals submitted by ineligible applicants will not be reviewed.

Prospective applicants who want to verify their status as a charitable organization should contact the Office of New York State Attorney General, Charities Bureau at 1(800) 771-7755 or online, at <http://www.charitiesnys.com/home.jsp>.

## **VII. SERVICE STRATEGY**

The services strategy for the Response to Human Trafficking Program (RHTP) consists of program costs for funding **comprehensive services**, as well as costs for a **Survivor Advisory Board** to help inform the work of the organization in providing these services.

Such services shall be culturally competent, to the extent practicable, and shall include, but are not limited to, case management, emergency temporary housing, health care, mental health counseling, drug addiction screening and treatment, language interpretation and translation services, English language instruction, job training and placement assistance, post-employment services for job retention, and services to assist the individual and any of his or her family members to establish a permanent residence in New York State or the United States.

### **A. Program Costs**

Once trafficked persons have been identified, service contractors must meet their immediate needs for safety and basic survival. Referral to the New York State Victim Referral Process may be made by law enforcement or any established legal or social services providers. If the referral is subsequently confirmed by the State, funding for eligible victims may be available under the Response to Human Trafficking Program. Throughout this process, contractors inform participants of their rights and responsibilities, describe the roles of the various parties involved and assess needs.

These needs range from emergency assistance, such as housing, food and clothing and health assessment to longer-term needs, such as legal and immigration assistance, English language education, acculturation and job preparation. This RFP funds contractors to deliver direct services to eligible participants and provides reimbursement for those services provided, including personal service and fringe benefits to personnel employed by the provider who delivers these services.

OTDA expects applicants to make available the following types of services to each participant. Quarterly reporting must demonstrate how, for each client the contractor has enrolled in the RHTP program, the needs of the client were met, whether they be through contracted funds or met elsewhere through subcontractors or other outside volunteer agencies whose services the contractor utilized.

#### **1. Case Management**

#### **2. Shelter/Rental Assistance/Safe House Placement**

#### **3. Health Assessment**

#### **4. Medical Care (including prescriptions)**

#### **5. Mental Health Counseling**

#### **6. Legal Services**

#### **7. Food**

#### **8. Other Identified service needs as indicated by the proposal**

## **1. Case Management**

The RHTP contractor must provide comprehensive case management to all eligible participants. Case management includes but is not limited to: assessing the scope of needs, developing a plan of action to meet those needs, preparing a work plan which will include all the services provided by the RHTP contractor or by the agencies/organizations that the eligible participant will be referred to for these services, and a plan to interact with law enforcement as necessary. OTDA expects all contractors to be familiar with and incorporate trauma informed care principles into their case management efforts. If the service provider chooses to place all of their funding into case management services, they must outline in their proposal how they anticipate providing for additional required services through community partners.

## **2. Shelter/Rental Assistance/Safe House Placement**

Most human trafficking victims lack safe and secure housing, which is a crucial component of their recovery. Thus, the Contractor must demonstrate the experience and ability to make referrals to safe and secure emergency temporary housing, and then, when appropriate, more stable long-term housing and rental assistance to the eligible participants. Facilities providing shelter for trafficked persons and receiving funds under the Response to Human Trafficking Program must be operated in accordance with all applicable State and local laws, regulations, codes, and ordinances. Where shelter costs are reimbursable by the State through other avenues, shelter will not be covered by these funds.

Due to the 2018 amendments to SSL §§ 483-aa and 483-bb, placement in either a long-term or short-term safe house shall be made available from the initial contact between the victim and law enforcement, a local social services district, or a social or legal services provider. Short and long-term safe houses are residential facilities operated by a not-for-profit agency that has experience in providing services to victims of human trafficking. Short-term safe houses should provide emergency shelter, services and care to human trafficking including food, shelter, clothing, medical care, counseling, and appropriate crisis intervention services, and promote a safe living environment. In addition to the requirements of short-term safe houses, long-term safe houses should provide housing, assessment, case management, medical care, legal, mental health and substance use disorder services. Long-term safe houses should also provide counseling and therapeutic services, educational services including life skills services, job training and placement, and planning services to successfully transition the victim back into the community.

## **3. Health Assessment**

Human trafficking victims may require a medical screening after establishing contact with a provider. To provide this service, the RHTP contractor must demonstrate their relationship with a recognized medical provider that has experience and resources to identify communicable diseases of potential public health importance, and to identify personal health conditions that adversely impact recovery goals, such as job placement or school attendance.

## **4. Medical Care (including Prescriptions)**

The RHTP contractor must demonstrate experience and ability facilitating necessary medical care and treatment services. The agency providing medical services must be a New York State Department of Health-licensed health care provider. Reimbursable costs and services are limited to those that are allowable under Medicaid.

## **5. Mental Health Counseling**

Human trafficking victims often present with mental health issues and are at risk of experiencing lifelong trauma due to physical, emotional and/or sexual abuse by the persons that trafficked them. Therefore, it is critical that these issues are addressed as soon as possible. The RHTP contractor must demonstrate experience and the ability to provide necessary mental health counseling or have a relationship with a recognized medical provider that has experience and resources to provide mental

health counseling. Various modalities such as group counseling, art therapy or other therapies will be considered.

## 6. Legal Services

The RHTP contractor must demonstrate experience and ability to provide immigration application and other legal services to assist the non-citizen victim and any of his/her family members to establish legal status in the United States. If the contractor partners with another organization to provide legal services, the contractor must document its experience and capacity to provide such services. Legal Services include legal intake, assessment, advice and counsel, immigration application and other legal services to assist the non-citizen human trafficking victim and any of his/her family members to establish legal status in the United States. OTDA expects contractors to comply with all applicable statutes, regulations and ethics opinions governing immigrant consultants and the authorized practice of law.

## 7. Food

The RHTP contractor must demonstrate experience and the ability to provide access to food and food preparation to assist the trafficked person. This category can include utensils and items needed in the kitchen to prepare food as well as pre-prepared foods or restaurant meals.

## 8. Other Identified Service Needs

The RHTP Contractor may suggest the need for any other specific services not listed, including, but not limited to: substance use disorder screening and treatment, interpretation and translation, English language training, employment preparation, clothing and transportation.

- Eligible participants may enroll in an agency's RHTP program for services upon the date of State confirmation.
- Assistance to family members will be rendered if services are related to that of the eligible participant (i.e., housing costs). Otherwise, a family member is only eligible for services if they themselves are a New York State confirmed victim of trafficking with their own confirmation.

OTDA recognizes that not all services are of the same duration or require the same level of involvement by the contractor to accomplish the task. Higher value is not attributed among the specific services that an eligible participant might need (e.g., grocery shopping versus providing mental health counseling).

## B. Survivor Advisory Board

*This is **elective**. Applicants may include this, but they are **not required** to do so. This differs from program costs in that this category is not participant-specific and does not require NYS confirmation to show eligibility under this category.*

A Survivor Advisory Board is a committee comprised of trafficking survivors, which provides community support and recommendations for anti-trafficking policy, establish a safe space for survivors of trafficking to share stories, provide mutual support, and build community.

A Survivor Advisory Board may also provide survivor-informed input to the applicant organization, governmental agencies, and community-based organizations. It may raise public awareness of human trafficking through community outreach and education. A board may provide trainings, to improve stakeholders' outreach efforts and awareness of survivor needs.

Because a board's members have experienced human trafficking first-hand, their input provides valuable knowledge and perspectives about the impacts of human trafficking. In this way, a Survivor Advisory Board promotes advocacy for survivor rights. Finally, it fosters resilience and empowerment within the survivor community.

- An approved plan should include survivor-informed curricula and resources, using a peer-led support model.
- An approved plan should include initiatives to foster positive peer relationships, collaboration, partnerships, and empowerment among group members.
- An approved plan should include cultural competencies, accommodating diversity of trafficking experiences, whether they be related to labor or sex trafficking. The plan should accommodate a diversity of culture, religion, language, race, and gender amongst participants. It should address inclusion of underserved groups, such as non-English speakers, new immigrants, Deaf and hard-of-hearing individuals, veterans, LGBTQ individuals, youth, and older adults.
- This is a non-participant specific service, which is provided to groups of individuals. Such units of service are not based on an individual, but rather a specified event.
- Example of items that can be budgeted toward this activity include stipends or other reimbursements for survivor participants, meeting costs, transportation, and agency staff time spent in assisting survivors in this effort.

## VIII. ELIGIBLE PARTICIPANTS

Only proposals that serve eligible participants, as defined below, will be accepted for review. Proposals to serve ineligible participants will not be reviewed.

Eligible participants shall be defined as trafficked persons who have been confirmed as a trafficking victim by OTDA and DCJS with an emphasis on those trafficking victims who would otherwise have no access to needed services. Therefore, RHTP funds may be used only for services provided to and in support of State - confirmed victims and, where appropriate, their families. Assistance to family members will be rendered if services are directly related to that of the eligible participant (i.e., housing costs). Providers who choose to serve those victims who are already receiving benefits and/or services are encouraged to be selective in utilizing funding for these individuals so as not to duplicate services that could otherwise be provided by the local district.

## IX. FUNDING LIMITATIONS AND PROVISIONS

### Available Funds

Only State funds designated for the RHTP shall be available through this RFP. OTDA estimates that \$2,397,000 per budget period may be available for the RHTP program through this procurement for the 60-month contract term; however, the amount of funding may be adjusted annually based on funding. Anticipated subsequent allocations and continuation of contracts are subject to continued availability of state funds and appropriation thereof.

Funding will be available beginning October 1, 2021.

### Distribution of Funds

Funding will be distributed in three regions as follows:

1. New York City (Kings, Queens, New York, Bronx and Richmond Counties): approximately 50%
2. Metropolitan region (Nassau, Suffolk, Westchester, Rockland, Putnam, Orange, Dutchess, Ulster, and Sullivan Counties): approximately 25% and
3. Rest of State (all other counties): approximately 25%

More than one applicant may potentially be funded per region (See Selection Process on page 14).

OTDA intends to award multiple service contractors and/or entities to operate under this program model. Within the regions described, OTDA seeks to ensure that the awardee, or awardees, provide RHTP services to the greatest number of eligible victims.

Contractors providing services in the New York City region will receive funds only from the New York City region funding pool and the same is true for the other regions as well. The allocation for each region was established to ensure services are available in each region and considered the area's percentage of the state's total confirmed population and the availability of non-RHTP resources available in the region.

OTDA reserves the right to distribute funds as OTDA deems necessary to meet the goals of this RFP and to cover all regions of New York State which are in need of services. Should an award not be made in any one region, OTDA reserves the right to reallocate funds from that region to one or more regions, based on state needs. Any such resulting reallocation shall not result in any awardee receiving more than 50% of total available funds for RHTP.

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

When making *subsequent* budget period awards, OTDA reserves the right to do any of the following:

- Reallocate funding from contractor to contractor
- Suspend a budget period award to an underperforming contractor
- Award a lesser budget period award than was awarded in a previous budget period(s) to an underperforming contractor
- Award a higher budget period award than was awarded in a previous budget period(s) to an over-performing contractor
- Adjust annual contract awards to further the State's priorities and needs

OTDA reserves the right to increase or decrease the amount of any award or the number of contractors funded based on the amount of funds available.

### **Contract Term and Budget Periods**

This RFP governs the provision of funds for the anticipated five-year (60-month) contract term, October 1, 2021 to September 30, 2026. A Work Plan and Attachment B-1 Budget Summary will be required for the first 12-month budget period.

During the course of the contract, funds will be made available to contractors for each pre-established budget period. A twelve-month Attachment B-1 Budget Summary will be required from the contractor for each budget period. OTDA anticipates that there will be five budget periods within the contract term:

- Budget Period I: October 1, 2021 to September 30, 2022
- Budget Period II: October 1, 2022 to September 30, 2023
- Budget Period III: October 1, 2023 to September 30, 2024
- Budget Period IV: October 1, 2024 to September 30, 2025
- Budget Period V: October 1, 2025 to September 30, 2026

## **X. PROGRAM INFORMATION**

Contracts resulting from this procurement will be provided based on categories of services rendered. Contractors will be reimbursed for line-item expenses and are required to submit quarterly reports of units of services provided.

An applicant may choose not to allocate any funding to non-participant specific deliverables. In that case, 100% of the funding may be allocated towards program costs.

Please calculate the annual costs of your proposed program in the Budget Screens in Grants Gateway following the instructions on the screens and in this RFP in Part B-Instructions for Completing the Application.

Contractors' performance data, along with allocation data such as award amounts, contract periods, program sites, service locations, and spending information may be posted on OTDA's website and other public annual reports as required.

## **XI. SELECTION PROCESS**

### **EVALUATION PROCESS**

Each proposal will be read and scored by at least two reviewers from OTDA. Proposals will be reviewed in accordance with the scoring criteria referenced below. Scores will be averaged, and the average scores will be ranked from highest to lowest.

Proposals to provide services in a particular region will be reviewed competitively with other proposals to provide services in that region. For example, NYC applications will be compared only with other NYC applications.

Proposals will be funded based upon the application's score and will be subject to the availability of funds. Projects will be awarded RHTP funds in descending order by region, beginning with the highest ranked proposal, until the initial year's funding is exhausted, with the following exceptions:

- Awards may be reduced or increased based on availability and State priorities during the application process or contract term if another source of funding becomes available, and is deemed appropriate, in which case OTDA may choose to dedicate those funds to other activities at its discretion;
- Within each region if there are additional proposals which qualify for funding, no one agency will be awarded more than 50% of the total funds for their region that are made available under this RFP;
- Awarded proposals may not receive the entire requested amount;
- Awards may be proportionately reduced to ensure the availability of funds statewide; to assure statewide coverage and to address agency priorities;
- The requested amount of funding will be reduced by ineligible expenses;
- The requested amount of funding may be reduced based on past RHTP spending practices. In the event OTDA has determined via a competitive scoring process that an existing awardee with a history of unspent contract monies should be awarded new funds, OTDA reserves the right to reduce the award based on the contractual spending history and the reasonableness of the request.

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

## **EVALUATION CRITERIA**

OTDA will select contractors based on several considerations. The points assigned are reflective of the importance of each item as it relates to the total technical score.

### **1. Program Specific Questions and related uploads (40 points)**

OTDA will evaluate the overall strength of the program, including, but not limited to, the following:

- The applicant's experience with, and knowledge of, specific cultural and linguistic needs of the trafficking population the program intends to serve and the quality of the proposal in addressing those needs;
- Relevant experience with victim services, and/or labor and sex trafficking victim services, and/or supportive services for crime victims such as domestic violence victims, or ability to acquire such experience;
- The applicant's experience working with New York State confirmed victims and federally certified victims of human trafficking;
- The expected caseload in each region and the applicant's plan for reaching trafficked persons and the ability to effectively engage this population;
- Detailed description of the segment of trafficking victims the program intends to serve, their special needs, potential barriers including linguistic needs, and how they will be addressed, relationships with community service providers and other points that are relevant to proposed program; and
- Staffing plan including special qualifications and language capacity;

### **2. Work Plan (35 points)**

- The applicant's high-level overview of the project, including overall goal and desired outcomes. A detailed description of the location of the project, target population, overall number of persons to be served, service strategy and hours of operation. Applicants will also be scored on their method of service delivery for the Deliverables/Outcomes as described in the Objectives and Tasks section of the application.
- Detailed description of the proposed service delivery strategy for each service category.

### **3. Budget and related uploads (25 points)**

Proposals will be rated based on the Budget Period (BP) 1 funds requested and justification narrative for proposed expenses.

## **AWARD METHODOLOGY**

Awards will be made to the highest scoring qualified applicants.

- If, after making awards, there is a balance of available funding, OTDA will proportionally award the balance to the awardee(s) based on the requested amount.
- OTDA reserves the right to increase an award in order to distribute the entire funding allocation.

OTDA intends to award total available funds to each of the three regions, as specified in section VIII. More than one award may be made per impacted region. For instance, if OTDA receives applications from all regions, the highest scoring applicant will be selected, and the next highest scoring applicant may also be selected if determined to be a qualified provider. Applicant must have a minimum score of 50 points in order to receive an award. OTDA may award less than the applicant requests if it is deemed necessary to ensure that the entire region is served.

## **MAINTENANCE OF EFFORT**

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

## **SUBSEQUENT FUNDS**

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

## **XII. AWARD PROCEDURES**

### **Contract Development Process**

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

The contracts will have a term of 60 months and will contain work plans and budget summaries for each 12-month budget period.

### **Payment**

The contractor will be reimbursed for eligible line item expenses as outlined in their proposal. For other deliverables/outcomes described herein, payment will be made only for deliverables/outcomes for which outcomes are documented and for which vouchers are submitted by the required due date.

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

## **XIII. REPORTS AND RECORD KEEPING**

### **Record Keeping**

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

However, if any claim, audit, litigation, or state/federal investigation is commenced before the expiration of the aforementioned record retention period, the records must be retained by the contractor until all claims or

findings regarding the records are finally resolved. OTDA or its designee shall have access to any records relevant to the project (including but not limited to books, documents, photographs, correspondence, and records), for audits, examinations, transcripts, and excerpts. If OTDA determines that such records possess long-term or historic value, they must be transferred, upon request, to OTDA.

If the Contractor expends \$750,000 or more in Federal funds during any one fiscal year, the Contractor will be subject to the Audit Requirements and provisions of OMB Super Circular, found in Federal regulations at 2 CFR Part 200 (Subparts A – F) - *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*; and, all other audit requirements determined applicable by the OTDA. The audit shall be completed on an annual basis and the audit report submitted within the earlier of 30 days after receipt of the auditor's report(s), or nine months after the end of the audit period, unless a longer period is agreed to in advance by the OTDA. The audit shall be conducted in accordance with generally accepted government auditing standards by an independent auditor and submitted in a form determined by the OTDA. The OTDA will report its findings and any recommendations to the Contractor and may impose any sanctions as determined appropriate.

### **Reporting and Vouchering Requirements**

The OTDA BRIA Information Network (BIN) is the required method to be used by contractors to report individual participant data and contract performance, and to prepare claims for payment.

The contractor must have sufficient equipment and system software to use the BIN system. Such required equipment and system environment shall include:

- Web browser: Microsoft Internet Explorer (version 11.0 or greater), Google Chrome 30, Mozilla Firefox, or Apple Safari 7. These are free and can be downloaded from their respective websites.
- Internet Service (via DSL, Cable Modem, Dial-up, etc.)
- Desktop computer(s) or laptop computer(s) with internet access
- Laser Printer

Reports and vouchers must be submitted by the contractor on a quarterly basis during the contract term, unless otherwise specified. Payments will be based on vouchers and any required supporting documentation. Additional reporting, as may be determined by OTDA, may also be required.

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

The contractor must enter performance information into BIN as services are rendered to participants. The contractor may review and approve subcontractor’s performance information in the BIN system.

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

BIN generates the Claim for Payment, which must be submitted to OTDA on a quarterly basis.

Contractors will be expected to comply with quarterly reporting to be submitted in order to comply with state reporting requirements under New York State SSL § 17.

### **Case Records**

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

## **Monitoring**

OTDA will monitor projects on a regular basis throughout the life of the contract. Monitoring may include site visits, regular telephone contact and/or quarterly discussions of progress. The goals of project monitoring are to ensure that the terms of the contract are being met and to provide technical assistance, where necessary, to help the contractor meet these terms. OTDA reserves the right to conduct site visits and make telephone contact to subcontractors as a means of monitoring the prime contractor's performance.

## **Amendments to the Contract**

Amendments and modifications of executed contracts are sometimes necessary to accommodate the needs of both the contractor and OTDA. These changes, which must be by mutual written agreement, may include modification to reimbursement schedules, time and money amendments, or no-cost extensions as necessary. Contract modifications, including amendments and no-cost time extensions, will be made at the discretion of the OTDA with the approval of the Attorney General and the Office of the State Comptroller.

## **XIV. GENERAL TERMS AND CONDITIONS**

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

OTDA reserves the right to amend, modify or withdraw this RFP and to reject any proposals submitted, and may exercise such right at any time without notice and without liability to any applicant or other parties for any expenses incurred in the preparation of a proposal. OTDA reserves the right to accept or reject any or all proposals that do not completely conform to the requirements or instructions given in the RFP, including time frames for submission thereof.

OTDA reserves the right to award contract(s) to as many or as few applicants as it may select.

OTDA reserves the right to conduct contract negotiations with the next responsible bidder, should the agency be unsuccessful in negotiating with the selected bidder.

Submission of a proposal will be deemed to be the consent of the applicant to any inquiry made by OTDA of third parties with regard to the applicant's experience or other matters deemed by OTDA to be 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 with reliance on additional information requested. Such information may include budget justification, program information, operation details, personnel information, or other funding source information.

OTDA reserves the right to seek clarifications and revisions of proposals and to require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offeror's proposal and/or to determine an offeror's compliance with the requirements of the solicitation.

OTDA reserves the right to use proposal information obtained through site visits, management interviews and the State's investigation of a bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the bidder in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFP. OTDA reserves the right to use any and all ideas submitted in the proposals received. Funds awarded for this project shall be used only for the conduct of the project as approved.

If additional funding becomes available, OTDA reserves the right to redistribute among any or all of the contract awardees and/or subsequently reconsider eligible proposals submitted in response to this RFP at that time, using the same scoring criteria and award methodology in lieu of releasing a new RFP, if deemed to be in the best interest of the State. Updated information may be requested as deemed necessary by OTDA. OTDA also reserves the right to issue a new RFP to solicit new proposals.

NYS OTDA reserves the right to terminate in whole or in part or modify the contract at its discretion or due to the unavailability of funds. Such termination shall not affect obligations incurred under the contract prior to the effective date of such termination.

When funds are advanced any unexpended balance or funds unaccounted for at the end of the approved period or at the time of termination must be returned.

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

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 the provision of goods and services. OTDA may require the Contractor to demonstrate how the Contractor has complied or will comply with the aforesaid policy.

Subject to the availability of funds, the contract award will be made to the applicants whose proposals are determined to best meet the criteria for proposal evaluation and selection set forth in this RFP.

OTDA reserves the right to award contract(s) to as many or as few applicants as it may select, and to reject all proposals that do not conform to the requirements of the RFP.

OTDA reserves the right to reject any or all proposals received in response to the RFP. OTDA reserves the right to make an award under the RFP in whole or in part.

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

The contractor will be required to comply with all applicable Federal and State laws, regulations, policies, guidance, and programmatic requirements. The contractor must also comply with applicable New York State Executive Orders.

The terms and conditions for all funded projects are specified in a detailed contract which must be signed by OTDA and approved by the New York State Attorney General Office and the Office of the State Comptroller before any work is to begin or payments are made. The successful applicant will be sent the complete standard contract for execution. Before submitting the application, the Applicant is encouraged to review sections of the contract that are available to download from the Contract Document Properties section of the Forms Menu in the Grants Gateway grant opportunity.

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. The following will be incorporated into any contracts resulting from this RFP:

- NYS Master Contract Terms and Conditions
- Attachment A-1 (Program Specific Terms and Conditions)
- Attachment B-1 (Budget)
- Attachment C (Work Plan)
- Attachment D (Payment and Reporting Schedule)

Applicants must review the Attachments, as successful applicants will be expected to comply with the terms and conditions specified therein. These Attachments will become a part of any contract that is developed with successful applicants as a result of this RFP.

All plans and working documents prepared by the applicant under the contract to be awarded will become the property of the State of New York. OTDA reserves the right to use any and all ideas submitted in the proposals received.

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 the Office of Temporary and Disability Assistance or his/her designee unless authorized by OTDA to do so.

All reports of investigations, studies, and publications made as a result of this proposal must acknowledge the support provided by OTDA.

All personal information concerning individuals served or studies conducted under the project are confidential and such information may not be disclosed to unauthorized persons, corporations, or agencies.

OTDA reserves a royalty free non-exclusive license to use and to authorize others to use all copyrighted material resulting from this project.

Successful applicants will be subject to the State's prompt contracting law.

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

#### **XV. 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. The 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 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](mailto:VeteransDevelopment@ogs.ny.gov) to discuss methods of maximizing participation by SDVOBs on the Contract.

#### **XVI. EXECUTIVE ORDER NUMBER 38: LIMITS ON STATE-FUNDED ADMINISTRATIVE COSTS AND EXECUTIVE COMPENSATION**

Funds requested in support of administrative personnel are subject to Executive Order #38. Pursuant to this order, grant funds may not be used to support the salaries of administrative personnel that receive compensation in excess of \$199,000 without an approved waiver. OTDA may adjust the compensation cap annually based on appropriate factors and with the approval of the Director of the Division of Budget.

On January 18, 2012, Governor Andrew M. Cuomo issued Executive Order Number 38, “Limits on State-Funded Administrative Costs and Executive Compensation,” which required that certain State agencies, including those involved in this RFP, promulgate regulations limiting State reimbursement for administrative expenses and executive compensation of service providers. Any contract awarded through this RFP will be subject to the EO 38 regulations if the awardee is a “covered provider” within the meaning of those regulations. Important Legal Notice: Based upon the April 8, 2014 decision in *Agencies for Children’s Therapy Services, Inc. v. New York State Department of Health, et al. (“ACTS”)*, covered providers conducting business in Nassau County need not file Executive Order 38 disclosures. For purposes of this notice, “conducting business” means having a place of business within Nassau County, providing program services or

administrative services involving the use or receipt of State funds or State-authorized payments within Nassau County, or otherwise conducting business within Nassau County in relation to which executive compensation is paid. Please note that the ACTS decision is under appeal. Those affected by the ACTS decision should periodically check the EO 38 website for updates regarding any changes to this notice.  
<http://executiveorder38.ny.gov/>

## **XVII. EXECUTIVE ORDER NO. 190: INCORPORATING HEALTH ACROSS ALL POLICIES INTO STATE AGENCY ACTIVITIES**

Per Executive Order 190, this RFP incorporates the New York State Prevention Agenda and the World Health Organization (WHO) Eight Domains of Livability to further the Health Across All Policies initiative. The New York State Prevention Agenda is the blueprint for action to improve the health of New Yorkers and become the healthiest state for people of all ages. The five priority areas of the New York State Prevention Agenda are:

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

The WHO Eight Domains of Livability include:

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

The Health Across All Policies initiative is a collaborative approach that integrates health considerations into policymaking across all sectors to improve community health and wellness. To successfully improve the health of all communities, health improvement strategies must target social determinants of health and other complex factors that are often the responsibility of non-health partners such as housing, transportation, education, environment, parks, and economic development.

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

## **XVIII. CONTRACTOR REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED MINORITY-AND WOMEN-OWNED BUSINESS**

## **ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN**

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

### **1. Business Participation Opportunities for MWBEs**

For purposes of this solicitation, OTDA hereby establishes an overall goal of 30% for MWBE participation, 15% percent for New York State-certified Minority-owned Business Enterprise (“MBE”) participation and 15% percent for New York State-certified Women-owned Business Enterprise (“WBE”) participation (based on the current availability of MBEs and WBEs). A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, the respondent agrees that OTDA may withhold payment pursuant to any Contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how OTDA will evaluate a Contractor’s “good faith efforts,” refer to 5 NYCRR § 142.8.

The respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. [FOR CONSTRUCTION CONTRACTS – The portion of a contract with an MWBE serving as a supplier that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60 percent of the total value of the contract. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE]. [FOR ALL OTHER CONTRACTS - The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25 percent of the total value of the contract]

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

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

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

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

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

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

- B. If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the OTDA a written remedy in response to the

notice of deficiency. If the written remedy that is submitted is not timely or is found by OTDA to be inadequate, OTDA shall notify the respondent and direct the respondent to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

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

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

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

The successful respondent will be required to submit a quarterly M/WBE Contractor Compliance & Payment Report to OTDA, by the 8th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

## 2. Equal Employment Opportunity Requirements

By submission of a bid or proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of [Appendix A – Standard Clauses for All New York State Contracts including Clause 12 - Equal Employment Opportunities for Minorities and Women OR Authority equivalent to Appendix A]. The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

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

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

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

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

## PART B: INSTRUCTIONS FOR COMPLETING THE APPLICATION

### 1. Reminders

- Live Webinars on the Prequalification Process and on how to complete an application using the Grants Gateway are provided every Tuesday and Thursday. Please see the [Resources for Grant Applicants](#) page of the Grants Management website to sign up for a live webinar or for additional resources including instructional videos and step by step documents to help navigate the system.
- For any technical questions regarding the Grants Gateway, the Help Desk is available Monday – Friday, 8am – 5pm via phone ([518.414.2784](tel:518.414.2784)) or email at [GrantsGateway@its.ny.gov](mailto:GrantsGateway@its.ny.gov).
- The New York State Grants Gateway Vendor User Guide can be downloaded from: <https://grantsmanagement.ny.gov/system/files/documents/2020/05/vendor-user-manual-3.2-5.7.20.pdf>.
- Grants Gateway **ONLY** works with Internet Explorer (the blue e with the yellow halo); using other browsers may cause problems such as the inability to save your work or your screen looking unusual.

### 2. Searching for the Grant Opportunity

- Log into Grants Gateway as a Grantee, Grantee Contract Signatory or Grantee System Administrator.
- Click the 'View Opportunities' button.
- From the 'search by funding agency' drop-down menu, select Office of Temporary and Disability Assistance. Click 'Search'.
- Locate Response to Human Trafficking Program 2021 and click on the blue link.
- Click the 'Apply for Grant Opportunity' button.
- If you do not complete the application in one session, it will be in your 'tasks' box, labeled 'Applications in Progress'. Another way to find an application in process is to click the 'Applications' tab at the top of the screen.

### 3. Complete the Draft Contract

- From the 'Forms Menu', complete the following forms described in these instructions. Screens from the 'Forms Menu' do not have to be completed in any particular order.
- Certain forms may be left blank if they do not apply to your application, such as the budget items not requested.
- There will be a 'global warning' error if you try to submit an application without completing required forms.
- You must Save your work before moving onto a new screen.

- **Program Information Screens-**

- **Project Site Address Screen-** Enter all the site addresses, one site per screen, including agency specific regional information. Regional council is n/a. Click 'Save'. Click 'Add' for additional screens.
- **Program Specific Question-** Follow the instructions at the top of the screen. Under Project Title, enter 'New York State Response to Human Trafficking Program'. Answer the questions in this section. Click Save.

- **Expenditure Budget Screens-**

The Expenditure Budget Period is October 1, 2021 – September 30, 2022. Please project for a 12-month budget.

- **Personal Services – Salary and Fringe Screens** - A minimum of 70% of the award request must be allocated for costs directly associated with the provision of personal services to trafficking victims (i.e. personnel and fringe). Include employees that will be paid in full or in part from contract funds.
  - Complete all text boxes except the two related to Match Funds for each salary funded by RHTP. Type 'N/A' in the Role/Responsibility text box.
  - STD means Standard Work Week
  - Click 'Save'
  - To add another expenditure, click 'Add' in the top right corner of the screen.
  - Input total fringe amount for all positions on 'Personal Services- Fringe' screen on one line in the budget under 'Fringe'.
  - The Personal Services - Salary Narrative screen should only be used to describe exceptions in staffing patterns such as if an agency pays a case manager in severe excess compared to others doing the same job. Otherwise, leave all Narrative screens blank.
- **Non-Personal Services- Contractual, Travel, Equipment, Space/Property Rent, Space/Property Own, Utilities and Operating Expenses Screens**
  - A maximum of 10% of the award request may be allocated for direct non-personal services. These are costs that are associated with the provision of services to trafficking victims. Costs for non-personal support services are subject to compliance with OTDA's overall goal of 30% for Minority and Women-Owned Business Enterprise (M/WBE) participation, 15% for New York State-certified minority-owned business enterprise (MBE) participation and 15% for New York State-certified women-owned business (WBE) participation.
  - Complete all text boxes except the two related to Match Funds. Type 'N/A' in the Justification text box.
  - Click 'Save'

- To add another expenditure, click 'Add' in the top right corner of the screen.
- Leave all Narrative screens blank.
- **Non-Personal Services- Other Expenses Detail Screens-**
  - A survivor advisory board, if elected, should be identified, and explained in the category of "other identified service needs" and cost should not exceed 10% of the award. Any personal service costs or staff travel should be included in personal service costs.
  - Administrative costs should be included in the 'Other' expenses category. A maximum of 10% of the award request may be allocated for administrative costs. Administrative costs are considered to be non-personal services. Allowable administrative costs are those costs directly related to administering RHTP. Some examples include the RHTP portion of associated payroll costs, preparing the program budget and schedule, monitoring program activities, and staff salary/fringe costs related to their percentage of time spent.
  - If including administrative costs, please use the prefix ADM when completing the Type/Description section (i.e. ADM- Executive Director, or ADM- ExDir Fringe). Administrative costs must be itemized.
  - Complete all text boxes except the two related to Match Funds. Type 'N/A' in the Justification text box.
  - Click 'Save'
  - To add another expenditure, click 'Add' in the top right corner of the screen.
  - Leave all Narrative screens blank.
  - In the Budget Explanation Section in your Work Plan, provide details for any staff/position listed as administrative (ADM) under Other. List the title, the annual salary, and the percentage of time spent on RHTP administrative activities; also include a brief description of those activities.
  - **Expenditure Summary Screen-** Period Total must be equal to the award request.
- **Work Plan:** This section consists of the work plan overview.

- **Work Plan Overview Form-**

The Work Plan Period is October 1, 2021 – September 30, 2022. **Follow the instructions on the screen. Additionally, your response should address the following:**

- In the 'Project Summary' section:
  - If your organization will subcontract or partner with other agencies to provide services, their roles and responsibilities in the program must also be described.
  - Please include a section called **Grant Funded Positions** and include all positions from your Personal Services Salary section as well as a brief description of each position.

- Please include a section called **Budget Explanation** and include a justification for all non-personal expenses on your expenditure budget.
- Click 'Save'
- In the 'Organizational Capacity' section, type N/A and click 'Save'.

▪ **Work Plan Properties-**

**Follow the instructions on the screen.**

- Grant funds for personal and non-personal services shall/may be used to permit staff to provide services within the following eligible categories. For each service you propose under a particular category, please define in sufficient detail the method of service delivery (who, what, when, where, how):
- ✓ Case Management
- ✓ Shelter/Rental Assistance/Safe House Placement
- ✓ Health Assessment
- ✓ Medical Care (including prescriptions)
- ✓ Mental Health Counseling
- ✓ Legal Services
- ✓ Food
- ✓ Other Identified service needs as indicated by the proposal (e.g. Survivor Advisory Board, if elected)

Each category mentioned above has been pre-entered into Grants Gateway as an Objective. Complete the ones your agency will provide using the below instructions and remove the ones your agency will not provide. Full objective set includes an objective, a task and a performance measure. Please enter two tasks and two performance measures per objectives. If greater than two additional tasks or two performance measures are entered, they will need to be deleted to successfully complete the Workplan Properties page.

Starting with the first Objective your agency will provide, using number 1 'Case Management', as an example, under 1.1. Task Name, define and enter your first task (Example: Assess client's needs). Under 1.1.1 Performance Measure Name, enter your first Performance Measure (Example: Develop action plan to address client's needs).

- Under Performance Measure Data Capture Type, select Text (500 character limit) from the drop down.
- Click 'Save'
- In the Narrative field define in sufficient detail the method of service delivery (who, what, where, when, how).
- Click 'Save'

- Once saved, a new blank row called 1.1.2 New Performance Measure will be added. Using Case Management as an example, if you have more than one performance measure, enter the additional performance measure name (Example: 'Enroll client in agency's program'), and complete the Narrative field as described above. Click 'Save'

Follow the progression of objective, task and performance measure(s) for each of the following. Please see Section 5.2.4 in the Grants Gateway User Manual for additional instructions regarding the work plan if needed:

<https://grantsmanagement.ny.gov/system/files/documents/2020/05/vendor-user-manual-3.2-5.7.20.pdf>

Note that the total number of tasks and performance measures for the entire workplan is 16 each (two tasks and two performance measures per each objective).

- **Pre-Submission Uploads-**

- Download and complete the forms. To download the forms, click the 'View File' hyperlinks. All forms are required except for the Subcontractor and Supplier Identification Form.
- Please upload all completed forms to the Grantee Document Folder under File Folder(s) in the 'Forms Menu'.

#### **4. Submit Draft Contract to OTDA/Bureau of Refugee Services**

- When the application is ready for submission, click the 'Status Changes' tab then click the 'Apply Status' button under 'Contract Information Submitted'. Please note: **Although those logged in as Grantee may work on the application, only those logged in as a Grantee Contract Signatory or a Grantee System Administrator can submit the application.**
- The deadline for submitting the draft contract is **08/23/2021**. Once the contract information has been submitted, **please notify Malgorzata Sekowska immediately** via e-mail at [malgorzata.sekowska@otda.ny.gov](mailto:malgorzata.sekowska@otda.ny.gov).

**PART C: FORMS TO UPLOAD**

**AGENCY AGREEMENT**

It is understood and agreed to by the applicant that (1) This RFP does not commit the New York State Office of Temporary and Disability Assistance (OTDA) to award any contracts, pay the costs incurred in the preparation of response to this RFP, or to procure or contract services. (2) OTDA reserves the right to amend, modify or withdraw this RFP and to reject any proposals submitted, and may exercise such right at any time and without notice and without liability to any Offeror or other parties for their expenses incurred in the preparation of a proposal or otherwise. Proposals will be prepared at the sole cost and expense of the Offeror. (3) OTDA reserves the right to accept or reject any or all proposals that do not completely conform to the instructions given in the RFP, including time frames for submission thereof. (4) Submission of a proposal will be deemed to be the consent of the applicant to any inquiry made by OTDA of third parties with regard to the applicant's experience or other matters deemed by OTDA relevant to the proposal. (5) Funds awarded for this project will be used only for the conduct of the project as approved. (6) The contract may be terminated in whole, or in part, by OTDA. Such termination shall not affect obligations incurred under the contract prior to the effective date of such termination. (7) When funds are advanced any unexpended balance or funds unaccounted for at the end of the approved period must be returned. (8) Any revision of the approved project proposal must be requested in writing by the contractor prior to enactment of the change. (9) Progress reports must be submitted as required by OTDA. The final program and financial reports must be submitted within a specified time period after the project terminates. Necessary records and accounts including financial and property controls will be maintained and made available to OTDA for audit purposes. (10) All reports of investigations, studies, and publications made as a result of this proposal must acknowledge the support provided by OTDA. (11) All personal information concerning individuals served or studies conducted under the project are confidential and such information may not be disclosed to unauthorized persons, corporations, or agencies. (12) OTDA reserves a royalty free non-exclusive license to use and to authorize others to use all copyrighted material resulting from this project. (13) Successful applicants will be subject to the State's prompt contracting law. (14) Selected contractors agree to be bound by the Minority and Women-Owned Business Enterprises/Equal Employment Opportunity anti-discrimination provisions as more fully set forth in this RFP.

OTDA reserves the right, if funds become available, to reconsider additional proposals submitted in response to this RFP at that time, using the same scoring criteria and award methodology, in lieu of releasing a new RFP, if deemed to be in the best interest of the State.

OTDA anticipates making an award to administer projects for thirty-six (36) months. Projects may be renewed for additional periods depending on continued need for the services, achievement of anticipated outcomes, continued availability of funding and at the sole discretion of OTDA. For those applicants selected as a result of this Request for Proposals (RFP), subsequent year's funding may be at a decreased level.

The applicant certifies that to the best of his/her knowledge and belief the information in this application is true and correct, that he/she will comply with the above agreement if the grant is received, and that this constitutes a firm offer for 180 days.

---

(Signature of official authorized to sign for applicant)  
(Date)

---

(Type name and title)

**Contractor Information**

1. Incorporated Agency Name: _____
2. Street Address: _____ City, State, Zip Code: _____ County: _____
3. Agency Contact: _____ Title: _____ Phone #: _____ FAX #: _____ Email Address: _____ Mailing Address: _____  Program Contact: _____ Title: _____ Phone #: _____ FAX #: _____ Email Address: _____ Mailing Address: _____
4. Federal Employer Identification #: _____ State Registered Charitable Organization #: _____ Municipality #: _____ Community District(s): _____ Federal Congressional District(s): _____ State Senate District(s): _____ State Assembly District(s): _____

5. Award Amount: \_\_\_\_\_

6. Organization Information

For statistical purposes, check yes or no for *each* of the following items as it relates to your organization. See the instructions for definitions. LEAVE NO BLANKS.

Non-Profit Organization	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Women-Owned Business	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Minority Business	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Municipality	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Small Business	Yes <input type="checkbox"/>	No <input type="checkbox"/>			

7. Non-Discrimination/Sectarian Organization Compliance Justification

	Yes	No
a. According to your Certificate of Incorporation, are your organization's purposes sectarian? (For example, are you a corporation organized under the religious corporation law or a corporation that has a corporate purpose to serve a particular religious group or promoting the doctrine of a particular religion in general?)		
b. Are any of the proposed services in your project sectarian in nature?		
c. Does your organization have as its goal the furthering of any sectarian purpose?		
d. Are the services to be provided by sectarian staff?		
e. Are services being delivered in a building owned by a sectarian organization? If no, proceed to letter (f.). If yes, are services educational in nature?		
f. Will the proposed services be provided on the basis of race, religion, color or national origin?		
g. If the contract is with a sectarian organization, is the amount and comprehensiveness of the surveillance necessary to insure the contract does not foster or inhibit religion greater than the contract necessary to administer a similar contract with a non-sectarian agency?		

**If any of the above answers are Yes, please justify the recommendation for funding below:**



**STAFFING PLAN**

**Submit with Bid or Proposal – Instructions on page 2**

EEO-Job Category	Total Workforce	Workforce by Gender		Workforce by Race/Ethnic Identification								Disabled		Veteran			
		Total Male (M)	Total Female (F)	White (M) (F)		Black (M) (F)		Hispanic (M) (F)		Asian (M) (F)		Native American (M) (F)		(M)	(F)	(M)	(F)
Officials/Administrators																	
Professionals																	
Technicians																	
Sales Workers																	
Office/Clerical																	
Craft Workers																	
Laborers																	
Service Workers																	
Temporary /Apprentices																	
Totals																	

<b>PREPARED BY (Signature):</b>	<b>TELEPHONE NO.:</b>	<b>DATE:</b>
	<b>EMAIL ADDRESS:</b>	

<b>NAME AND TITLE OF PREPARER (Print or Type):</b>	<b>Submit completed with bid or proposal</b>
--	--

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

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



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

**M/WBE AND EEO POLICY STATEMENT**

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

---

**M/WBE**

**EEO**

This organization will and will cause its contractors and (a) This organization will not discriminate against any employee subcontractors to take good faith actions to achieve the M/WBE or applicant for employment because of race, creed, color, contract participations goals set by the State for that area in which national origin, sex, age, disability or marital status, will undertake the State-funded project is located, by taking the following steps: or continue existing programs of affirmative action to ensure that minority group members are afforded equal employment

(1) Actively and affirmatively solicit bids for contracts and opportunities without discrimination, and shall make and subcontracts from qualified State certified MBEs or WBEs, document its conscientious and active efforts to employ and including solicitations to M/WBE contractor associations. utilize minority group members and women in its work force on (2) Request a list of State-certified M/WBEs from AGENCY state contracts.

and solicit bids from them directly. (b) This organization shall state in all solicitation or advertisements

(3) Ensure that plans, specifications, request for proposals for employees that in the performance of the State contract all and other documents used to secure bids will be made qualified applicants will be afforded equal employment available in sufficient time for review by prospective opportunities without discrimination because of race, creed, color,

M/WBEs. national origin, sex disability or marital status.

(4) Where feasible, divide the work into smaller portions to (c) At the request of the contracting agency, this organization enhanced participations by M/WBEs and encourage the shall request each employment agency, labor union, or formation of joint venture and other partnerships among authorized representative will not discriminate on the basis of

M/WBE contractors to enhance their participation. race, creed, color, national origin, sex, age, disability or marital

(5) Document and maintain records of bid solicitation, status and that such union or representative will affirmatively including those to M/WBEs and the results thereof. The cooperate in the implementation of this organization's obligations Contractor will also maintain records of actions that its herein.

subcontractors have taken toward meeting M/WBE (d) The Contractor shall comply with the provisions of the Human contract participation goals. Rights Law, all other State and Federal statutory and

(6) Ensure that progress payments to M/WBEs are made on a constitutional non-discrimination provisions. The Contractor and timely basis so that undue financial hardship is avoided, subcontractors shall not discriminate against any employee or and that, if legally permissible, bonding and other credit applicant for employment because of race, creed (religion), color, requirements are waived or appropriate alternatives sex, national origin, sexual orientation, military status, age, developed to encourage M/WBE participation. 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.

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

Agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

By \_\_\_\_\_

Print: \_\_\_\_\_ Title: \_\_\_\_\_

\_\_\_\_\_ is designated as the Minority Business Enterprise Liaison  
(Name of Designated Liaison)

responsible for administering the Minority and Women-Owned Business Enterprises- Equal Employment Opportunity (M/WBE-EEO) program.

**M/WBE Contract Goals**

\_\_\_\_\_ % Minority and Women’s Business Enterprise Participation

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ % Minority Business Enterprise Participation

\_\_\_\_\_ % Women’s Business Enterprise Participation

\_\_\_\_\_  
(Authorized Representative)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## M/WBE GOAL REQUIREMENTS CERTIFICATION OF GOOD FAITH EFFORTS

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

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

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

Development or its designee that provide assistance in the recruitment and placement of minority and women business enterprises;

- (k) The Contractor negotiated in good faith with certified minority- and women-owned business enterprises submitting bids, proposals, or quotations and did not, without justifiable reason, reject as unsatisfactory any bids, proposals or quotations prepared by any certified minority- or women-owned business enterprise. "Good faith" negotiating means engaging in good faith discussions with certified minority- or women-owned business enterprises about the nature of the work, scheduling, requirements for special equipment, opportunities for dividing of work among the bidders, proposers, and various subcontractors and the bids of the minority or women businesses, including sharing with them any cost estimates from the request for proposal or invitation to bid documents, if available; and,
- (l) The Contractor undertook efforts to make payments for any work performed by certified minority- and women-owned business enterprises in a timely fashion so as to facilitate continued performance by certified minority- and women-owned business enterprises.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Company

\_\_\_\_\_  
Contract Number

\_\_\_\_\_  
Program/Solicitation Name

# PROHIBITING CONTRACTS WITH ENTITIES THAT SUPPORT DISCRIMINATION

## EO 177 Certification

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

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

Generally, the Human Rights Law applies to:

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

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

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

Contractor: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

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

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

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

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

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

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

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

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

Subscribed to under penalty of perjury under the laws of the State of New York, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_ as the act and deed of said corporation or partnership.

**Exhibit 1: Non-Collusive Bidding Certification-3**

Identifying Data

Potential Contractor:

Address:

Telephone:

Title:

If applicable, Responsible Corporate Officer

Name:

Title:

Signature:

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

Legal name of person, firm or corporation

Legal name of person, firm or corporation

By:

Name

Name

Title

Title

Address:

## Offeror's Acknowledgment of Understanding of Post-Employment Provisions

### CONTRACTOR'S ACKNOWLEDGEMENT OF UNDERSTANDING OF POST-EMPLOYMENT PROVISIONS

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

### CONTRACTOR'S DISCLOSURE OF ANY EXISTING AND/OR CONTEMPLATED CONFLICT OF INTEREST

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

Yes  No

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

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

### CONTRACTOR'S DISCLOSURE OF FORMER STATE EMPLOYEES

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

Yes  No

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

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

### CONTRACTOR'S DISCLOSURE OF ANY INVESTIGATION OR DISCIPLINARY ACTION BY THE NEW YORK STATE COMMISSION ON PUBLIC INTEGRITY OR ITS PREDECESSOR STATE ENTITIES (COLLECTIVELY, "COMMISSION")

Have you or any of your members, shareholders of 5% or more, parents, affiliates, or subsidiaries, have been the subject of any investigation or disciplinary action by the New York State Commission on Public Integrity or its predecessor State entities (collectively, "Commission").

Yes  No

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

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

### CONTRACTOR'S AGREEMENT TO NOTIFY OTDA OF POTENTIAL FUTURE CONFLICTS

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

### THE SIGNATURE BELOW INDICATES CERTIFICATION/ACKNOWLEDGEMENT/UNDERSTANDING OF EACH OF THE ABOVE

\_\_\_\_\_  
Authorized Signatory Date

\_\_\_\_\_  
Printed or Typed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Contract Number

## Offeror Assurance of No Conflict of Interest or Detrimental Effect

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

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

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

Offeror's responding to this RFP should note that OTDA recognizes that conflicts may occur in the future because an Offeror may have existing or new relationships. OTDA will review the nature of any such new relationship and reserves the right to terminate the Agreement for cause if, in its judgment, a real or potential conflict of interest cannot be cured.

Dated:

\_\_\_\_\_  
Signature

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

**OTDA 11/2016**