



**Office of Temporary  
and Disability Assistance**

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Release Date: May 6, 2021

**REQUEST FOR PROPOSALS**

**Refugee and Immigrant Student Welcome Program**

Submission Deadline: June 10, 2021 2:00pm

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## PART A - SUMMARY INFORMATION

### I. INTRODUCTION

The Bureau of Refugee Services (BRS) of the New York State Office of Temporary and Disability Assistance (OTDA), issues this Request for Proposals (RFP) to solicit applications from qualified applicants. The purpose of this RFP is to fund school districts with increased refugee and immigrant populations, including unaccompanied minor students.

OTDA anticipates distributing \$7,450,000 for Refugee and Immigrant Student Welcome program funds for 60-month contracts under this procurement. All program funds allocated for the administration of the program are from the 2019-2020 NYS Budget, Aid to Localities and subject to continued availability and state appropriation thereof. The amount of funding will be adjusted annually based on funding availability. Use of these funds must relate to the provision of supportive services to refugee and immigrant students and their families. Funds should be used for activities including, but not limited to: expanded community school activities, the provision of school supplies to incoming students, training opportunities for staff on trauma and cultural sensitivity, employment of counselors and psychologists, and parental and family engagement and support. Other costs, such as construction and renovation costs, are not allowable under this program.

NOTE: For the purpose of this RFP, eligible persons, as defined in Part A Section VIII, will hereafter be referred to as “refugees and immigrants” unless special circumstances apply.

If selected, the proposal and all parts 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 program information and any revised Minority/Women Business Enterprise (M/WBE) forms and documents for the final contract. Successful grantees will be required to submit all final contract documents, narratives and budgets in Grants Gateway. OTDA reserves the right to negotiate any aspect of a proposal other than rates of payment in order to ensure that the final agreement meets OTDA objectives and requirements.

### II. REGISTRATION

**Proposals received from eligible applicants that have not registered in the Grants Gateway on the proposal due date of 2:00pm, June 10, 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 requirements.

#### **Register for the Grants Gateway (all applicants)**

- 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.

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

### III. PROCUREMENT SCHEDULE/SUBMISSION GUIDELINES

Release Date of the Request for Proposals	May 6, 2021
Deadline for Written Questions	May 20, 2021
Response to Questions	May 28, 2021
Due Date and Time for Proposals	June 10, 2021 2:00pm
Anticipated Notification of Awards	August 1, 2021
Anticipated Contract Start Date	September 1, 2021

OTDA reserves the right to modify the above dates/times.

#### 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 May 20, 2021 to:

Matthew Morris  
New York State Office of Temporary and Disability Assistance  
Bureau of Refugee Services  
40 North Pearl Street, 10<sup>th</sup> Floor, Section C  
Albany, New York 12243-0001  
Fax: (518) 402-3029  
Email: [Matthew.Morris@otda.ny.gov](mailto:Matthew.Morris@otda.ny.gov)

OTDA will respond to questions by May 28, 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 2:00 pm on June 10, 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 <https://grantsgateway.ny.gov>. Applicants should consider that the application due date will have a high volume of submissions, which may slow down State systems and increase the time needed for applications

to be received by <https://grantsgateway.ny.gov>. 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.

In order to be notified of future requests for proposals, individuals must be sign-up on the Grants Gateway website. Complete instructions on how to sign-up and update your preferences can be found under “Notifications” at the following website: <https://grantsgateway.ny.gov>.

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. PROGRAM DESCRIPTION**

The purpose of the Refugee and Immigrant Student Welcome Program (RISWP) is to fund activities including, but not limited to: expanded community school activities, the provision of school supplies to incoming students, training opportunities for staff on trauma and cultural sensitivity, employment of counselors and psychologists, and parental and family engagement and support for refugee and immigrant youth.

The Refugee and Immigrant Student Welcome Program has the following four key objectives:

- Address the serious short and long-term educational issues facing school-aged refugee and immigrant children, including those who have most recently arrived in this country;
- Ease the transition of refugee and immigrant youth into the State’s elementary, middle and high schools;
- Empower refugee and immigrant parents to be effective partners in the education of their children; and
- Support local school districts impacted by high numbers of refugee and immigrant populations, including unaccompanied minors.

Applicants must demonstrate that their community is experiencing increased refugee and immigrant student enrollment and that the applicant has the ability to develop effective program workplans and service plans that facilitate integration of refugee and immigrant students, families, and parents into their community and schools. Additionally, applicants must agree to partner with State agencies to provide information on English as a New Language (ENL) and immigration and naturalization services.

#### **V. ELIGIBLE GRANT APPLICANTS**

Only proposals submitted by Eligible grant applicants, as defined below, will be accepted for review. Proposals submitted by ineligible applicants will not be reviewed.

Eligible grant applicants must be:

- A school district in one of the eight regions as outlined in section VIII of this RFP;

- Registered in Grants Gateway as outlined in section II;
- be located in and doing business in New York State.

## VI. SERVICE STRATEGY

RISWP Direct Services consist of the following four required elements to be administered annually:

### **Welcome Orientations**

Through the Welcome Orientations, refugee and immigrant students are expected to have a more positive first experience entering the American school environment. Students will continue to receive supportive services, as needed, after the Welcome Orientation has been completed. During the orientation sessions, refugee and immigrant students may meet school administration and faculty and staff and learn their roles. In addition to registering for school with parents or guardians, immunization records will be reviewed during the orientation process to ensure the student can begin school on time or as soon as possible. During the Welcome Orientation, children will visit and tour all aspects of their schools. ENL classes, field trips and recreational activities must be provided. Children will be tested and assigned to the proper classroom and any other appropriate in-school program(s), including Special Education or after school programs. Any transportation issues will be resolved by the school district.

Using the *Welcome to Our Schools* curriculum developed by OTDA/BRS, <http://otda.ny.gov/programs/bria/wtos.asp>, the contractor will provide a **minimum of five Welcome Orientations** during the school year, including summer months if desired or necessary. Each Welcome Orientation should be for a minimum of 3 days, totaling a minimum of 15 hours. Each Welcome Orientation will be divided into a minimum of five classrooms by school level: two elementary, one middle and two high school classrooms. Past practice suggests that it may be beneficial to further divide the elementary school group into children from grades kindergarten through second grade and from third grade to fifth grade. Likewise, it may be beneficial to divide the high school group into sub-groups based on student academic, social, and language mastery characteristics.

A welcome orientation should include videos, games, individual and group exercises, art/music (non-verbal) projects, English as a New Language (ENL) instruction, field trips, and other approaches suggested by the school district and approved in writing by OTDA/BRS.

Coordination among school districts, refugee resettlement agencies, ethnic community-based organizations, is encouraged prior to the Welcome Orientation.

Additionally, the school district must agree to partner with the New York State Office for New Americans (ONA), <https://www.newamericans.ny.gov/>, to refer refugee and immigrant families for additional ENL services, legal assistance, and mental health support services. ONA administers the New Americans Hotline, 1-800-566-7636, which provides assistance through referrals to other ethnic community-based organizations. ONA's Liberty Defense Project also provides free legal consultations and screenings, direct representation in removal proceedings, help with filing immigration applications for naturalization, employment authorization, permanent residency, etc., and Know Your Rights trainings for immigrant communities. Lastly, ONA's Project Golden Door, consisting of 12 sites across New York, provides comprehensive family support services for immigrant children and families. Project Golden Door provides individual counseling with social workers, bilingual support groups, assistance with educational rights, access to language services, and medical and mental health intervention.

**OTDA requires that each Welcome Orientation serve at least 25 students.**

During the Welcome Orientation session, the following requirements – some requiring the participation of parents or guardians - must be directly provided or arranged, include but are not limited to:

- Nutritious meals and snacks for Welcome Orientation students, when applicable;

- School supplies;
- Student school enrollment and registration for school breakfast, lunch and after school programs (as allowable and applicable);
- Coordination of student placement testing;
- Immunization verification;
- Student orientation - school and classroom culture;
- English as a New Language (ENL) instruction;
- Field trips and recreational activities consistent with the guidance of local public health entities; and
- Coordination to meet the students' other immediate needs such as clothing and material needs, additional educational opportunities or special case management services

### **Academic Coaching**

During the school year, an assigned academic coach will be the school resource/liaison for the student, parents and with school staff, and will serve as the bridge between them and the school as often as needed. The academic coach will assist in orienting the child, parents and school staff and in addressing ongoing issues.

The academic coach will assist in assuring appropriate class and grade-level school placements. He/she will also help prevent crisis situations through early identification of concerns and effective communication with the child, school staff and parents. The academic coach may make referrals as necessary to other service providers.

### **OTDA requires each school district to employ at least two academic coaches.**

The academic coach is required to meet with the parent or guardian of the child to discuss and develop the plan for the child's integration with the school.

The academic coach provides supportive services to the participants, such as individual orientation, mentoring, guidance and tutoring in the primary language spoken by the student. The relationship between the academic coach and student fosters effective coping skills for a school environment. The coach will help refugee and immigrant students learn appropriate school behaviors, acquire time management and study skills, achieve a balance between home and school activities and increase the students' and parents' understanding of educational requirements. The academic coach will introduce the student to all pertinent school staff and facilitate the student's access to them when necessary.

The coach will assist students in understanding cultural issues related to peer and school relationships so that students will be able to take advantage of opportunities to become leaders and guides to other newly arriving refugee or immigrant students.

With mainstream after-school programs often not being able to meet the needs of refugee and immigrant children, whose language and social skills fall far behind their peers, academic coaches can also manage and participate in other group activities. These activities may include operating after-school clubs such as homework and tutoring clubs or participating in other after-school social activities. The specialized clubs and programs will be accessible and culturally appropriate for refugee and immigrant children.

The academic coach will also work with the parents so that they obtain and understand information about their children's performance and behavior in school. Parents will learn about educational matters such as school attendance, field trips, homework monitoring, the importance of parent/teacher conferences and understanding child and adolescent development as it relates to their adjustment to the U.S. Counseling for parents may be provided as a supplement to the Parent Orientation (described below) in the event the parent and family requires reinforcement. The academic coach may also mediate between the child and parent in the event of misunderstanding about school information and expectations.

The academic coach interacts with school staff by responding to questions, providing information or working together regarding matters related to refugee and immigrant students. Topics may include academic performance, parent communication, health issues, cultural questions, behavioral concerns, special needs, prior experiences and service plans. In this way, teachers and other school staff have access to information about an individual refugee or immigrant child and will be able to effectively meet that student's needs by making informed decisions about his or her education. As a resource to the student and parent, academic coaches can troubleshoot with teachers, administrators and school nurses. An academic coach makes recommendations for grade placement and school curriculum selection. At the same time, academic coaches can relay important information from the teachers to the parents and attend parent/teacher conferences to ensure communication.

### **Translation/Interpretation Services**

Interpreter/translators must work on an as-needed basis with the academic coach, student and parents as each interacts with school staff including teachers, guidance counselors, after-school program staff, administrators and any other staff as necessary. Interpreters/translators will also help students translate homework assignments, tests, readings and other written materials as appropriate including the immediate communication of meaning from one language into another. As requested by the school or parent, Interpreters/translators will provide interpretation services at all parent/teacher conferences. All translation and interpretation services must be related to providing services under this program.

### **Group Events**

School districts will provide a **minimum of four group School Staff Orientations** per school year. Each staff orientation will include information on the cultures and languages of refugee and immigrant students (and any other useful topic requested by the school staff) so that school staff can effectively respond to refugee and immigrant students' varied needs and stages of adjustment. School Staff Orientations can be coordinated around several topics including but not limited to Strategies for Welcome Refugee and Immigrant Students, Anti-Bullying, Trauma Focused Care, Cultural Competency and Domestic Abuse. To assist with this, OTDA/BRS provides instructional resources as a complement to the Welcome to Our Schools curriculum at the following weblink, <http://otda.ny.gov/programs/bria/wtos.asp>. In this way, refugee and immigrant students can receive appropriate guidance and support throughout their school experience from all school staff. School districts may, at their discretion, divide school staff by department or by job description to effectively deliver this information to as many school staff as necessary. The school staff orientation will provide cross-cultural understanding and promote helpful relationships that can positively impact refugee and immigrant students, academically and socially.

Using the Welcome to Our Schools curriculum developed by BRS, augmented or scaffolded as necessary, school districts will also provide a **minimum of four group Parent Orientations** at various times during the school year. Parent Orientations allow refugee and immigrant parents to meet others with similar interests and concerns. Parent Orientations should include a general overview of the school system and classroom culture, including mandates such as homework and regular attendance, immunization requirements, reporting student absences, parent/teacher conferences, school events, school rules and regulations. At the Parent Orientations, this important information should be communicated in a culturally appropriate way. Parents will learn that their participation in their children's school activities at both home and school is encouraged and ultimately will be the backbone for their child's experience. They will develop an understanding of the importance of participation in school events, including chaperoning field trips. Through the Parent Orientations, the parents are empowered to be active guides and participants in their children's education and can also be mentors to other newly-arrived parents.



## **VII. 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. In the event of federal and/or state regulation changes that affect the type of immigration status eligible for these services, contractors will be notified of the change and required to comply with the new criteria for participant eligibility. Refugee and Immigrant Student Welcome Program funds must be used for services for persons who are eligible based on their immigration status and age, as follows:

### **Eligible Immigration Status**

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

### **Eligible Age**

- Program participants should be between the ages of 5 and 21 years old, through the last day of being 21.

## **VIII. FUNDING LIMITATIONS AND PROVISIONS**

### **Available Funds**

Approximately \$1,450,000 in 2019-2020 New York State Budget, Aid to Localities, funding will be available for the first budget period, with \$500,000 made available to Nassau and Suffolk Counties on Long Island. Anticipated allocations and continuation of contracts are subject to continued availability of state funds and appropriation thereof. Should funding become unavailable, OTDA reserves the right to withdraw or modify this RFP or terminate any contracts resulting from this procurement. If additional funding becomes available, OTDA reserves the right to distribute funds in accordance with this procurement. OTDA also reserves the right to change the projected use of funds should additional funding for certain activities become available, an underserved region is identified and/or should regulations change regarding the use of funds for activities. In that event, OTDA may redistribute funds at its discretion according to the methodologies described in the Selection Process and Award Procedure sections of this Request for Proposals.

### **Distribution of Funds**

Funds will be distributed to the following regions:

- Western New York
- Central New York

- Mohawk Valley
- Capital District
- Northern New York
- Lower Hudson Valley/Metro
- New York City (five boroughs)
- Long Island

No more than one school district will be funded per region, with the exception of the Long Island region, where as many awards will be made as available funding permits. However, if an award is not made in any region, OTDA reserves the right to reallocate funds from one region to another, based on state needs. No school district shall receive more than 40% of the total grant allocation.

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

This RFP governs the provision of funds for an anticipated 60-month contract term starting on September 1, 2021 and ending on August 31, 2026. A Work Plan will be required for the 60-month contract term. Throughout the length of the contract, funds will be made available to contractors for each pre-established budget period.

OTDA anticipates that there will be five budget periods within the contract term:

- Budget Period 1: September 1, 2021 to August 31, 2022
- Budget Period 2: September 1, 2022 to August 31, 2023
- Budget Period 3: September 1, 2023 to August 31, 2024
- Budget Period 4: September 1, 2024 to August 31, 2025
- Budget Period 5: September 1, 2025 to August 31, 2026

## **IX. PROGRAM INFORMATION**

### **Expenditure Based Contracts**

Contracts resulting from this procurement will be line-item, expenditure based. Under this contract, school districts will be reimbursed for line-item expenses. Completing a line-item budget demonstrates how proposed program costs are allocated.

### **Eligible Activities and Expenses**

Funds received under the RISWP must be used for the categories below, (A-D), and students will continue to receive services (B-D), as needed, while participating in the program. RISWP funds awarded through this RFP cannot be used to supplant or replace existing public or private funds. Applicants should clearly demonstrate that existing funds have not been supplanted. Expenses may be subject to Minority/Women-Owned Business Enterprise (MWBE) provisions defined in General Terms and Conditions of the Master Contract and Attachment A-1 posted with this opportunity in Grants Gateway.

**A. Welcome Orientation:** A minimum of a 3-day orientation program (15 hours) divided into a minimum of five classrooms by school level: two elementary, one middle and two high schools. Further divisions may be proposed by the applicant. A minimum of five Welcome Orientations per budget period is required and Welcome Orientations must serve at least 25 students each.

✓ **Welcome Orientation activities** include:

- Nutritious meals and snacks for student participants;
- Distribution of school supplies;
- Student school enrollment and registration for breakfast, lunch and after school

- programs (as allowable and applicable);
- Coordination of student placement testing;
- Immunizations verification;
- Refugee student orientation - school and classroom culture;
- English as a New Language;
- Field trips, recreational activities consistent with the guidance of local public health entities; and
- Coordination to meet other needs such as clothing and material needs, additional educational opportunities, special case management services; or
- Other services or activities that have been approved by OTDA in writing.

B. **Academic Coaching** Services are provided on an individual or group basis to student(s), parent and/or school staff that benefit the child's education and transition to school.

✓ **Academic Coaching activities** include (but are not limited to):

- ✓ Mentoring;
- ✓ Guidance;
- ✓ Advocacy;
- ✓ Mediation/Counseling;
- ✓ Orientation;
- ✓ Classroom/grade level placement assistance;
- ✓ Problem solving;
- ✓ Crisis intervention;
- ✓ Homework assistance/tutoring;
- ✓ Parent Teacher Conference;
- ✓ Classroom Support; or
- ✓ Other services or activities that have been approved by OTDA in writing.

C. **Translation/Interpretation Services** are provided to the student, parent and/or school staff that benefit the child's education and transition to school.

Interpretation is defined as oral translation for parties conversing in different languages, including the immediate communication of meaning from one language into another.

Translation is defined as the act or process of converting written words from one language into their complete, accurate and intended meaning in another language resulting in a written document in the other language.

✓ **Translation/Interpretation Services** include:

- Translation, including, but not limited to sight translations of a written document orally into another language; and
- Interpretation.

D. **Group Events** are services and activities directed at school staff, parents and families throughout the school year.

✓ **Group Events** include (but are not limited to):

- School Staff Orientation is an event to orient school staff to the refugee experience (A minimum of four per budget period are required);
- Parent Orientation is an event to orient parents to their child's school experience (A minimum of four per budget period are required); and

## **X. 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. OTDA intends to fund the highest scoring proposal from each region as available funds will allow. Project proposals from a particular region will only be reviewed and evaluated competitively with other project proposals from that same region. For example, project proposals from New York City (five boroughs) will be compared only with other NYC (five boroughs) project proposals.

Regardless of score, OTDA reserves the right to fund or not fund an application based on other relevant information, such as the occurrence of State Budget funds supplanting existing funds, an agency's financial position, vendor responsibility determination, availability of the program statewide and the status of the vendor's NYS Office of the Attorney General Charities Registration filing.

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

### **Evaluation Criteria**

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

- **Program Specific Questions and Pre-submission Uploads (25 points)**  
The applicant's explanation of why the program is needed, recruitment of participants, their unique needs, potential barriers and how they will be addressed, existing and planned relationships with local community and state agency partners and other points that are relevant to proposed program.
- **Budget (25 points)**  
Proposals will be rated based on narrative justification and reasonableness of allocated expense categories as described in the expenditure-based budget summaries.
- **Work Plan (50 points)**  
The applicant's high-level overview of the project, including overall goals, desired outcomes and any work to be performed by subcontractors. A detailed description of the location of the project, target populations, overall number of persons to be served, service delivery method and hours of operation. Applicants will also be scored on their proposed method of service delivery (including the cultural and linguistic appropriateness) for the service strategy section of the application. Also, the applicant's relevant experience, staffing, qualifications, language capacity and proposed staff development/training activities.

### **Award Methodology**

Projects will be selected from the following impacted Regions: Western New York, Central New York, Mohawk Valley, Capital District, Northern New York, Lower Hudson Valley/Metro, New York City (5 boroughs) and Long Island. Only one award will be made per region, except for Long Island, where awards will be made to the highest scoring applicants as available funding will permit. The following exceptions also apply:

- Awarded proposals must meet a minimum score threshold of 75.
- Awarded proposals may not receive the entire requested amount.
- Awards may be reduced or increased based on availability, to address statewide priorities

and needs.

- If, after making awards, there is a balance of available funding, OTDA may 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.

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

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

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

- Reallocate funding from contractor to contractor
- Reallocate funds from one region to another
- Suspend a budget period award to an underperforming contractor
- Award a lesser budget period award to an underperforming contractor
- Award a higher budget period award to an over-performing contractor
- Adjust annual contract awards to further the State's priorities and needs

## **XI. AWARD PROCEDURES**

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.

### **Contract Development Process**

BRS 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 budget summaries that specify the services to be delivered, project goals, deliverables/outcomes, 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 BRS 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 reflecting goals for a 60-month time period and a budget summary for each 12-month budget period.

## **XII. 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 end of the contract or last payment or last contract transaction.

However, if any claim, audit, litigation, or State/Federal investigation is commenced before the expiration of the aforementioned record retention period, the records must be retained by the contractor until all claims or findings regarding the records are finally resolved. OTDA 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 BRS Information Network (BIN) is the required method to be used by contractors to submit progress reports and submit claims for payment.

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

- Web browser's Microsoft Internet Explorer (version 11.0 or greater), Google Chrome 30, Mozilla Firefox, and 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 unless otherwise specified. Payments will be based on accurately submitted financial claim summaries and necessary documentation supporting the eligible expenditures in the budget summary. Additional reporting, as may be determined by BRS, may also be required.

Individuals who will be authorized to access BIN, or who will otherwise have access to Protected Information, as that term is defined in Attachment A-1, will be required to sign the standard Non-Disclosure Agreement (NDA), which is available for review in Grants Gateway and can be found on page 32 of this RFP. Applicants are encouraged to review the Master Contract for Grants, all Attachments thereto, and the NDA prior to submitting a proposal.

After the end of a contract quarter, the contractor generates from BIN a Claim for Payment and Financial Claim Report for contractor review and subsequent submission to OTDA for payment. In addition to BIN generated reports, documentation substantiating the financial claim report is required to be uploaded in the

Supporting Documentation web browser in BIN. This documentation must be maintained on site by the contractor and must be accessible for review by OTDA at any time.

### **Case Records**

The contractor must adhere to BRS instructions and requirements regarding case records as stated in the contract and in related BRS manuals, directives, and other forms of notification.

### **Monitoring**

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

Selected contractors are expected to provide services with the primary goal of orienting students and parents to their local schools and community. As part of OTDA program oversight, BRS will monitor services provided to assess the extent to which services provided are necessary and appropriate.

### **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 budgets, 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.

## **XIII. 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 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, 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. 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.

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 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 for Grants Face Page
- NYS Master Contract for Grants (Terms and Conditions)
- Attachment A-1, (Program Specific Terms and Conditions)
- Attachment B-1, (Expenditure Based Budget Summary)
- 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; such information must be kept in conformance with the requirements set out in Appendix A-1.

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.

#### **XIV. 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.

## **XV. EXECUTIVE ORDER NUMBER 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
  - 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
  - Increasing the accessibility, availability, and affordability of public transit options, as well as ensuring safe roadways.
3. Housing
  - Expanding affordable housing options for varying life stages, and enacting programs that help people remain in their homes longer to age in place.
4. Social Participation
  - Increasing access to affordable and community-based social activities can help address loneliness and isolation.
5. Respect and Social Inclusion
  - Increasing the availability of intergenerational activities and programs.
6. Civic Participation and Employment
  - Provide ways that all people, including older people, can, if they choose to, work for pay, volunteer their skills, and be actively engaged in community life.
7. Communication and Information

- Providing information through a variety of means and in a culturally competent manner, recognizing that not everyone has a smartphone or internet access.
8. Community and Health Services
- Ensuring accessible and affordable health services in every community.

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

Consistent with 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.

## **XVI. EXECUTIVE ORDER NUMBER 38: LIMITS ON STATE-FUNDED ADMINISTRATIVE COST 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. CONTRACTOR REQUIREMENTS AND PROCEDURES FOR PARTICIPATION BY NEW YORK STATE-CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN**

### **NEW YORK STATE LAW**

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

### **Business Participation Opportunities for MWBEs**

For purposes of this solicitation, OTDA hereby establishes an overall goal of 30% for MWBE participation, 15% for New York State-certified Minority-owned Business Enterprise (“MBE”) participation and 15% 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:

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

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

The successful respondent will be required to submit a quarterly MWBE Contractor Compliance & Payment Report to OTDA, by the 7<sup>th</sup> day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

### **Equal Employment Opportunity and Workforce Utilization Reporting Requirements**

By submission of a bid or proposal in response to this solicitation, the respondent agrees with all 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 form OTDA-4971 Workforce Utilization Report and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by OTDA on a QUARTERLY basis during the term of the Contract.

Pursuant to Executive Order #162, contractors and subcontractors will also be required to report the gross wages paid to each of their employees for the work performed by such employees on the contract utilizing the Workforce Utilization Report on a quarterly basis. Note – NFP grantees are exempt from Executive Order #162. Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

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

## **PART B – Instructions for Completing the Application**







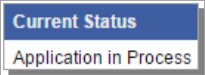

*Please read Pages 1-21 of the Request for Proposals carefully before completing the application. The entire Refugee and Immigrant Student Welcome Program application must be submitted in Grants Gateway.*

*Read and follow all instructions while completing the screens in Grants Gateway.*

## Completing the Application

The entire Refugee and Immigrant Student Welcome Program Application should be submitted in Grants Gateway, applications submitted outside of the Grants Gateway system will not be reviewed. Read and follow all instructions while completing the screens in Grants Gateway. A printed version of the application appears in Section D.

Here are some general guidelines for navigating the Grants Gateway System:

- Log into Grants Gateway as a **Grantee**, **Grantee Signatory** or **Grantee System Administrator**.
- Click the  button.
- From the “search by funding agency” drop-down menu, select Office of Temporary and Disability Assistance. Click .
- Locate **Refugee and Immigrant Student Welcome Program** and click on the blue link.
- Click the  button.
- From the  **Forms Menu**, complete the 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  YOUR WORK before moving onto a new screen.
- If you do not complete the application in one session, it will be in your “tasks” box,  **My Tasks**, labeled .
- Another way to find an application in process is to click the  tab at the top of the screen.

**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 to OTDA.

When the application is ready for submission, click the  **Status Changes** tab then click the  button under “application submitted”.

Other helpful information:

- 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 <https://grantsmanagement.ny.gov/resources-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) or email at [GrantsGateway@its.ny.gov](mailto:GrantsGateway@its.ny.gov).
- **The New York State Grants Gateway Vendor User Guide** can be downloaded via the Pre-Submission Uploads screen in Grants Gateway or found online at: <https://grantsmanagement.ny.gov/system/files/documents/2020/05/vendor-user-manual-3.2-5.7.20.pdf>. For more detailed instructions, Section 5, starting on page 50, provides step by step detailed instructions and screenshots of how to complete an application including each of the Forms Menu links, retrieving an application and submitting an application.
- [Resources for Grant Applicants](#) page on the Grants Management website.
- **Helpdesk information**
  - **Primary Help Desk**

- Hours: Weekdays 8:00 am - 4:00 pm
- Email: [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov)
- Phone: 1-518-474-5595

▪ **After Hours Support**

- Hours: Weekdays 4:00 pm - 8:00 pm
- Phone: 1-800-820-1890
- Email: [helpdesk@agatesoftware.com](mailto:helpdesk@agatesoftware.com)

**Screens in the Forms Menu in Grants Gateway are as follows:**

**Contract Documents**

1. **Contract Document Properties Screen-** Click on [Sample Master Contract for Grants](#) to download a copy. To download copies of the **Attachment A-1: Program Specific Terms and Conditions** click the [View File](#) link. You do not upload or complete anything on this screen.

**Application Information**

1. **Print Application-** Click the link to download a PDF copy of the grant application.
2. **Full Version of RFP-** Click the link to download a copy of this RFP.
3. **Application Instructions** – Pages 23-30 of this RFP.
4. **Application Versions-** There is nothing to do on this screen. Once you have submitted your application, you can return to this screen to click on a system generated link to view or save a copy of your completed application for your records

**Program Information Screens**

1. **Project Site Address Screen-**
  - Enter all the site addresses, one site per screen, including agency specific regional information. Name/Description is the name of the office or location. Regional council is n/a.
  - Click **SAVE**.
  - Click **ADD** for additional screens to add another site address.
2. **Program Specific Questions-** Follow the instructions at the top of the screen. Under Project Title, enter “New York State Refugee and Immigrant Student Welcome Program”. Answer all questions in this section. Narrative answer spaces are limited to maximum of 4,000 characters text and OTDA expects answers to be concise. Click **SAVE** frequently to avoid losing your work.
3. **Work Plan: Grant Opportunity Defined Screens-** This section consists of the work plan overview.

▪ **Work Plan Overview Form-**

The Work Plan Period is September 1, 2021 – August 31, 2022. **Follow the instructions on the screen. Additionally, your response should address the following:**

- In the ‘Project Summary’ section:
  - Outline the high-level overview of the project, including any work to be done by



subcontractors.

- Describe overall goals and desired outcomes.
- Provide a detailed description of the project location and hours of operation.
- Include the target population, and overall numbers to be served.
- Outline the applicant's and/or subcontractor's relevant experience and qualifications, staffing, language capacity and ongoing staff development/training activities.
- Address how the applicant and/or subcontractor will recruit participants and train new staff in accordance to established rules and policies.
- Outline how the applicants proposed program addresses the promotion of children's health and well-being consistent with EO 190.
- Describe service delivery methods for the Service Strategy (pages 7-10) section of the application, including:
  - Welcome Orientations
  - Academic Coaching
  - Translation and Interpretation Services
  - Group Events
  - Click 'Save'

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):

- ✓ **Welcome Orientation activities** include:
  - Nutritious meals and snacks for student participants;
  - Distribution of school supplies;
  - Student school enrollment and registration for breakfast, lunch and after school programs (as allowable and applicable);
  - Coordination of student placement testing;
  - Immunizations verification;
  - Refugee student orientation - school and classroom culture;
  - English as a New Language;
  - Field trips, recreational activities consistent with the guidance of local public health entities; and
  - Coordination to meet other needs such as clothing and material needs, additional educational opportunities, special case management services; or
  - Other services or activities that have been approved by OTDA in writing.
- ✓ **Academic Coaching activities** include (but are not limited to):
  - Mentoring;

- Guidance;
  - Advocacy;
  - Mediation/Counseling;
  - Orientation;
  - Classroom/grade level placement assistance;
  - Problem solving;
  - Crisis intervention;
  - Homework assistance/tutoring;
  - Parent Teacher Conference;
  - Classroom Support; or
  - Other services or activities that have been approved by OTDA in writing.
- ✓ **Translation/Interpretation Services** include:
- Translation; and
  - Interpretation
- ✓ **Group Events** include:
- School Staff Orientation is an event to orient school staff to the refugee experience (A minimum of four per budget period are required);
  - Parent Orientation is an event to orient parents to their child's school experience (A minimum of four per budget period are required)

**Each objective and task mentioned above has been pre-entered into Grants Gateway.**

- Under Performance Measure Data Capture Type, select Text (250 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'
- Repeat the steps above for each objective and task.

**In the Organizational Capacity section:**

- Describe staff language capacity and how services will be provided in a culturally and linguistically appropriate manner. Also describe how staff will assist members of the target population for whom the agency has no language capacity.
- Describe your organization's experiences in providing services to refugee and immigrant school age children and families.
- Describe the responsibilities of the staff persons related to the proposed program.
- Describe how staff will receive regular training and updates on the latest immigration issues and social and economic issues affecting refugee and immigrant school-age children and their families.

**Budget Screens**

Complete one overall budget for all applicable categories. Complete budget screens for ANNUAL grant funds requested. Only use whole dollar amounts for funds requested. Administrative Expenses up to 10% of the requested funds may be allocated in the budget and must appear on the Other line.

Consult Part A, Section IX, Program Information, Eligible Activities and Expenses (pgs 10 & 11). Use the following as a guideline for where expenses should appear in the budget.

- **Personal Service Screen**– Include employees that will provide direct services and will be paid in full or in part from contract funds. Each title must be listed on a separate screen. In the role/responsibility field, please describe the title's role in relation to the proposed program. The Personal Services - Salary Narrative screen should only be used to describe exceptions in staffing patterns and/or annual salary costs. Save.
- **Fringe Benefit Screen** - Fringe Benefits should be budgeted in line with your organization's Standard Fringe Benefit Policy and/or Negotiated Bargaining Agreements and should not exceed the current NYS rate. Provide a brief explanation of the percentage and composition of the fringe benefit structure in the Fringe Type/Description field. If fringe is not applicable, leave this section blank. For all employees listed in the Personnel Service Expense Detail, the following mandatory employer payroll taxes must be paid: Social Security (FICA), NYS Unemployment Insurance (SUI), NYS Disability Insurance and Workers' Compensation. Additional fringe benefits such as pension, health, life and/or dental insurance may be provided. If funds are being requested to cover these expenses, the total fringe benefit and payroll taxes chargeable to this program cannot exceed the Office of the State Comptroller's rate, currently at 62.48%. No exceptions are granted to the maximum rate of 62.48%. You may allocate a lower percentage. These amounts should carry to the "Budget Statement" under Fringe Benefits. You must explain all costs associated with this budget line in the Justification/Explanation section of this worksheet. The Fringe Narrative screen should not be used since all explanations should appear on the Fringe screen. Save.
- **Contractual Services Screen** – Costs for services rendered to the project under a formal or written agreement such as direct provision of services by contractual arrangement. Each type of contractual cost must be listed on its own screen and the cost justified. Only the pro-rated portion of the entire expenditure that is related to the proposed program is allowed. This line includes institutions, individuals or organizations external to the contractor which have entered into an agreement with the contractor to provide any services outlined in or associated with the contract and whose services are to be funded under the contract budget. All such agreements are to be bona fide written contracts: NYS OTDA reserves the right to request these documents at any time in the future. Save.
- **Travel Screen** - These costs may be reimbursed up to the NY State rate (currently the maximum rate is \$.58 per mile). Only travel costs for personnel listed under Personal Services Costs and participant travel costs are acceptable. In the justification field, explain which staff will be traveling in relation to the project, the destination, purpose and frequency of the travel. Out-of-state travel is discouraged, although a contractor may pursue such travel with justification and pre-approval from OTDA. Save.
- **Equipment Screen** - This category includes purchase, rental and leasing of equipment. Equipment is any non-consumable, tangible property having a useful life of more than one year. Substantial equipment purchases (costing more than \$5,000) should be avoided. Acquisition costs must be in accordance with NYS requirements and may be evaluated to determine if leasing is a practical and cost-effective alternative. If the only alternative is to purchase such equipment using contract funds, an applicant is required to obtain 3 competitive bids and must receive OTDA prior approval. All things being equal, the contractor must purchase equipment from the lowest bidder. Complete the Equipment form for requested equipment. Complete the Equipment Narrative form if there is any substantial equipment costing more than \$5,000 per item. The Equipment Narrative form includes fields for bids received and explanations for justification. Save.
- **Space/Property – Rent Screen** - This section is used to itemize costs associated with Space/Property Rent that the applicant uses to conduct business. Include justification of

expenses in the field provided. Only the prorated portion of the entire expenditure that is related to the proposed program is allowed. Save.

- Utilities Screen – Expenses related to utilities needed to operate an agency facility such as phone, water, electricity, heating etc. Only the pro-rated portion of the entire expenditure that is related to the proposed program is allowed. Costs must be justified in the justification field. Save.
- Operating Expenses Screen – Items necessary to operate the program such as food, insurance, postage, copies, or supplies. Describe expenses fully in field provided. Save.
- Other Screen- Other Items - Eligible items or services necessary to run the program which do not fall into any of the preceding lines in the budget. All costs must be described/justified in the field provided. The Other Narrative form should only be used to describe extraordinary costs. Save.
- Other Screen – Administrative Costs up to 10% of the grant amount on this screen – A maximum of 10% of the award amount may be allocated for itemized administrative costs. Indirect cost rates will not be permitted. Administrative costs are considered to be non-personal services. Some examples include the proposed program's portion of audit fees, associated payroll costs, and staff salary/fringe costs related to their percentage of time spent:
  - o preparing program budgets, schedules and/or amendments;
  - o developing systems to assure program compliance;
  - o developing agreements (interagency/sub-recipient/contractors) to carry out program activities;
  - o monitoring program activities;
  - o preparing reports and other documents directly related to the program;
  - o coordinating the resolution of audit and monitoring findings;
  - o evaluating program results against objectives;
  - o managing/supervising RISWP direct service staff; and/or
  - o other administrative costs.

Any staff that provide both direct services and administrative duties may be split accordingly between the personnel and administrative cost categories. The explanation/justification should be very specific as to the time spent on activities in such instances. The itemized administrative total must not exceed 10% of the budget total. The administrative cost may not include any portion of costs that are assignable to other federal, state or funding agencies. Please note that administrative charges are controlled by and subject to the requirements of NYS Executive Order #38 and the attending Rules and Regulations referenced this section of the RFP. Indirect cost rates will not be permitted. Save.

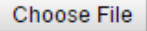
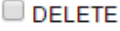
### **Executive Order Number 38: Limits on State-funded Administrative Costs and Executive Compensation**

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/>.

**Pre-Submission Upload Screen-** Follow the instructions on the screen and upload all required forms. See Part C of this RFP. Some forms have templates that must be downloaded and completed before they are uploaded. Download the template by clicking “Click Here”:

 No file chosen   
*Document Template:* [Click here](#)  
[View File](#)

**Grantee Document Folder-** Nothing needs to be done on this screen.

**Application Submission-** When you have completed your application, click , located at the top-right of your screen. If you receive any error messages, all items must be addressed prior to submitting your application. The system will let you know when there are no outstanding items.

- **Remember that only the Grantee Contract Signatory or Grantee System Administrator may submit the application.** To do so, the appropriate person must sign into Grants Gateway with their credentials. This is likely someone other than the person who created the application so at this juncture, log out.
- Once the appropriate person logs in to submit the application, click on the “Applications” tab at the top of the screen and search for “Refugee and Immigrant Student Welcome Program” under Grant Opportunity Name.
- Click  [Status Changes](#) then  located under the “Application Submitted” heading.
- Prior to submission, you will need to certify the agreement as stated. You must click “I agree” for your application to be submitted.
- You will know your application has been submitted successfully if you hover your mouse over  [Status Changes](#) and it shows “There are no available status options at the time”.
- To check the status of an application, click on the “Details” link. After submitting your application the status will say “Assignment of Reviewers”. This means you have successfully submitted the application.

## PART C – Forms to Upload

Upload all required forms in the places designated throughout the application:

- **General Information Form** – Complete all applicable sections and upload with the application.
- **Agency Organizational Chart** – Upload your agency's organizational chart to show where RISWP is located.
- **Participant Flow Chart** - Upload a participant flow chart depicting your agency's service delivery sequence from intake to discharge.
- **Key Personnel Profile** - Upload a chart or use the template provided that depicts the staff involved with the project. For each staff member listed, include the person's name and position or job title, qualifications, the responsibilities of the person related to this program, languages, percent of time to spent on project (FTE), and supervisor.
- **B1 Expenditure Based Budget** – Complete all applicable sections and upload with the application.
- **Confidentiality/Non-Disclosure Agreement** – Complete all applicable sections and upload with the application.
- **Certification** – Sign, complete and upload with the application.
- **Agency Agreement Form** - Sign, complete and upload with the application.
- **Subcontractor and Supplier Identification Form** - Complete all applicable sections and upload with the application.
- **OTDA 4934 Equal Employment Opportunity Staffing Plan** - Complete all applicable sections and upload with the application.
- **OTDA 4970 M/WBE and EEO Policy Statement** - Complete all applicable sections and upload with the application.
- **OTDA 4938 M/WBE Letter of Intent to Participate** – Sign, complete all applicable sections and upload with the application.
- **EO 177 Certification** - Sign, complete and upload with the application.
- **Non-Collusive Bidding Certification** - Sign, complete and upload with the application.
- **Offeror's Acknowledgment of Understanding of Post-Employment Provisions** - Sign, complete and upload with the application.
- **Offeror's Assurance of No Conflict of Interest or Detrimental Effect** - Sign, complete and upload with the application.
- **Sexual Harassment Prevention Certification** - Sign, complete and upload with the application.

Applicants are required to complete the **New York State Vendor Responsibility Questionnaire Not-For-Profit Business Entity**, but it will not be a required upload in Grants Gateway. Instructions on how to complete and file the Questionnaire can be found on the VendRep website [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep).

The **Grants Gateway: Vendor User Guide** can be downloaded via the Pre-Submission Uploads screen in Grants Gateway or found online at <https://grantsmanagement.ny.gov/system/files/documents/2020/05/vendor-user-manual-3.2-5.7.20.pdf>.

For more detailed instructions, Section 5, starting on page 50, provides step by step detailed instructions and screenshots of how to complete an application including each of the Forms Menu links, retrieving an application and submitting an application.

### **General 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): \_\_\_\_\_

**KEY PERSONNEL PROFILE**

<b>Name and Position or Job Title</b>	<b>Qualifications</b>	<b>Responsibilities</b>	<b>Languages</b>	<b>Percent of Time to be Spent on Project</b>	<b>Supervisor</b>



## CONFIDENTIALITY/NON-DISCLOSURE AGREEMENT

With regard to my work with \_\_\_\_\_(Requestor)

I, \_\_\_\_\_ am:

(INDIVIDUAL's name)

- ☐ an employee of Requestor
- ☐ a volunteer with Requestor
- ☐ a contractor of Requestor
- ☐ an employee of a contractor of Requestor
- ☐ a volunteer with a contractor of Requestor
- ☐ a subcontractor to a contractor of Requestor
- ☐ an employee of a subcontractor to Requestor
- ☐ a volunteer with a subcontractor to Requestor

and I understand that as part of performing my duties as an employee, volunteer, contractor or subcontractor I may have access to, see or hear "Protected Information," which, for purposes of this agreement, shall include, but not be limited to:

1. Data or information maintained in and/or obtained from OTDA and social services districts-owned applications, systems, networks and/or databases. Data or information maintained in and/or obtained from any other device, application, hardware, software, system, network and/or database created and/or maintained by a third party contractor, agent, vendor, or subcontractor which may be encompassed by this Agreement.
2. Data or information identifying an individual, particularly where such disclosure could result in an unwarranted invasion of personal privacy. Such data or information may include, but is not limited to: home addresses; telephone numbers; Social Security numbers; client identification numbers; payroll information; financial information; health information; and/or, eligibility and benefit information;
3. Computer codes or other electronic or non-electronic data or information, the disclosure of which could jeopardize the compliance stature, security or confidentiality of OTDA's information technology solutions, applications, systems, networks or data;
4. Non-final OTDA policy or deliberative data or information related to the official business of OTDA;
5. Data or information which is not otherwise required to be disclosed under the NYS Freedom of Information Law;
6. Any other material designated by OTDA as being "Confidential," "Personal," "Private" or otherwise "Sensitive."

I acknowledge and agree that all Protected Information (oral, visual or written, including both paper and electronic) which I see or to which I have access shall be treated as strictly confidential and shall not be released, copied or otherwise re-disclosed, in whole or in part, unless expressly authorized by the New York State Office of Temporary and Disability Assistance (OTDA).

I understand and agree that access to and the use of Protected Information obtained in the performance of my duties shall be limited to purposes directly connected with such duties, unless otherwise provided in writing by OTDA. When access to such information or data also results in access to Protected Information or data beyond that which is necessary for the purpose for which access was granted, I agree to access only that Protected Information needed for the purpose for which access was given.

When I no longer require the use of or access to such Protected Information, I agree that I will not access or attempt to access any Protected Information, including, but not limited to any Protected Information in State systems or other sources, to which I have been given access. I will return any and all reports, notes, memoranda, notebooks, drawings, data and other Protected Information developed, received, compiled by or delivered to me in order to carry out my functions or which may be in my possession, regardless of the source of the Protected Information. Any Protected Information not returned will be catalogued, and thereafter securely scrubbed, shredded, or otherwise disposed of in accordance with New York State EISO policies [<http://www.its.ny.gov/tables/technologypolicyindex>].

I understand that federal and State law and regulation prohibit the release or disclosure of such Protected Information, in whole or part. I acknowledge and hereby agree that I will not copy, re-disclose or otherwise share Protected Information in whole or in part in any form to anyone unless I am expressly directed to do so by my supervisor and such disclosure complies with applicable federal and State law and regulation. I further understand that if I am unsure as to what information is confidential, I will immediately, and prior to any such access, use, or re-disclosure, consult with OTDA or my supervisor.

I will safeguard, and will not disclose to unauthorized parties, any user name and/or password that may be issued to me in furtherance of my access to the Protected Information unless authorized. I understand that my access to Protected Information may be revoked at any time if my responsibilities change, or for any other reason at the discretion and direction of OTDA, or my supervisor. Further, I will not facilitate access or disclosure of Protected Information to any unauthorized person or entity, whether by knowingly providing my user name and/or password or otherwise.

I will comply with all applicable Federal and State confidentiality, record security, compliance and retention laws, regulations, policies and procedures.

I will immediately report to my supervisor any activities by any individual or entity that I have reason to believe may compromise the availability, integrity, security or privacy of the Protected Information. I will immediately notify OTDA and my supervisor of any request for Protected Information that does not come from an individual directly involved in the project.

I agree not to attach or load any hardware or software to or into any State or Requestor equipment unless properly authorized, in writing, to do so by OTDA. I will use only my access rights to, and will access only those systems, directories, and Protected Information authorized for my use by OTDA.

I will not use OTDA telecommunications, Internet, E-mail or other services or equipment for any illegal, disruptive, unethical or unprofessional activities, for personal gain, or for any purpose that could jeopardize the legitimate interests of the State or expose some or all Protected Information.

I agree not to knowingly take any actions that may intrude upon, disrupt or deny OTDA or Requestor services or the flow of any Protected Information.

I agree to store any Protected Information received in secure, locked containers or, where stored on a computer or other electronic media, in accordance with state and federal law and regulation, as well as OTDA's and New York State Office of Information Technology Services' (ITS) security policies that protects Protected Information from unauthorized disclosure.

I understand and agree that the terms of this Agreement shall continue even when I am no longer an OTDA or Requestor employee, contractor, subcontractor, or volunteer and that I will abide by the terms of this Agreement in perpetuity.

I understand that failure to comply with these requirements may result in disciplinary action, termination, civil action and/or criminal prosecution, as well as any other penalties provided by law.

This Agreement shall be governed by the laws of the State of New York, unless otherwise required by Federal law.

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(INDIVIDUAL's Signature)

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(INDIVIDUAL's Printed Name)

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(Entity of which INDIVIDUAL is an employee, subcontractor or volunteer)

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(Date)

### **Certification**

The undersigned: (1) recognizes that this questionnaire is submitted for the express purpose of assisting New York State government entities (including the Office of the State Comptroller (OSC) in making responsibility determinations regarding award or approval of a contract or subcontract and that such government entities will rely on information disclosed in the questionnaire in making responsibility determinations; (2) acknowledges that the New York State government entities and OSC may, in their discretion, by means which they may choose, verify the truth and accuracy of all statements made herein; and (3) acknowledges that intentional submission of false or misleading information may result in criminal penalties under State and/or Federal Law, as well as a finding of non-responsibility, contract suspension or contract termination.

**The undersigned certifies that he/she:**

- is knowledgeable about the submitting Business Entity's business and operations;
- has read and understands all of the questions contained in the questionnaire;
- has not altered the content of the questionnaire in any manner;
- has reviewed and/or supplied full and complete responses to each question;
- to the best of his/her knowledge, information and belief, confirms that the Business Entity's responses are true, accurate and complete, including all attachments, if applicable;
- understands that New York State government entities will rely on the information disclosed in the questionnaire when entering into a contract with the Business Entity; and
- is under an obligation to update the information provided herein to include any material changes to the Business Entity's responses at the time of bid/proposal submission through the contract award notification, and may be required to update the information at the request of the New York State government entities or OSC prior to the award and/or approval of a contract, or during the term of the contract.

Signature of Owner/Official

---

Printed Name of Signatory

---

Title

---

Name of Business

---

Address

---

City, State, Zip

---

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_;

\_\_\_\_\_  
Notary Public

## 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 granted 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 significant 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 sixty (60) 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)

### SUBCONTRACTOR AND SUPPLIER IDENTIFICATION FORM

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

**Offeror's Name:**

**Federal Identification Number:**

**Address:**

**Telephone Number:**

**City, State, Zip Code:**

**Email:**

**Will New York State businesses be used in the performance of this contract?**

**YES NO**

**Region/Location of Work:**

1. Subcontractors/Suppliers Business Name, Address, Email Address, Telephone No.	2. Service/Product Provided	3. Federal ID No.	4. Business Designation Check all that apply	5. Dollar Value of Subcontracts/Supplies/Services over the term of the contract.
<b>A.</b>			MBE WBE NYS Business** NYS Small Business**	
<b>B.</b>			MBE WBE NYS Business** NYS Small Business**	
<b>C.</b>			MBE WBE NYS Business** NYS Small Business**	
<b>D.</b>			MBE WBE NYS Business** NYS Small Business**	
<b>E.</b>			MBE WBE NYS Business** NYS Small Business**	

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

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

Bidders/proposers need to be aware that all authorized users of this contract will be strongly encouraged, to the maximum extent practical and consistent with legal requirements, to use responsible and responsive New York State businesses in purchasing commodities that are of equal quality and functionality and in utilizing services and technology. Furthermore, bidders/proposers are reminded that they must continue to utilize small, minority and women-owned businesses, consistent with current State law.

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

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

**NAME AND TITLE OF PREPARER (Print or Type):**

**Signature:**  
 Authorized Signature

**Date:**

**Telephone Number:**

**EMAIL Address:**

(Type name and title)

## STAFFING PLAN

Submit with Bid or Proposal – Instructions on page 2

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

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

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

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

**Instructions for completing:**

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

**RACE/ETHNIC IDENTIFICATION**

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

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

**OTHER CATEGORIES**

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

**GENDER**      Male      or      Female



## 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**

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

- (1) Actively and affirmatively solicit bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to M/WBE contractor associations.
- (2) Request a list of State-certified M/WBEs from AGENCY and solicit bids from them directly.
- (3) Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective M/WBEs.
- (4) Where feasible, divide the work into smaller portions to enhanced participations by M/WBEs and encourage the formation of joint venture and other partnerships among M/WBE contractors to enhance their participation.
- (5) Document and maintain records of bid solicitation, including those to M/WBEs and the results thereof. The Contractor will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.
- (6) Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided, and that, if legally permissible, bonding and other credit requirements are waived or appropriate alternatives developed to encourage M/WBE participation.

#### **EEO**

(a) This organization will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on state contracts.

(b) This organization shall state in all solicitation or advertisements for employees that in the performance of the State contract all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex disability or marital status.

(c) At the request of the contracting agency, this organization shall request each employment agency, labor union, or authorized representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of this organization's obligations herein.

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

(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 (MWBE-EEO) program.

**MWBE Contract Goals**

% Minority and Women's Business Enterprise Participation  
 % Minority Business Enterprise Participation  
 % Women's Business Enterprise Participation

(Authorized Representative)

Title:

Date:

**M/WBE SUBCONTRACTORS AND SUPPLIERS  
LETTER OF INTENT TO PARTICIPATE**

Contractor:

Contract No.:

Address:

Federal ID#:

Dear Contractor:

I, \_\_\_\_\_ intend to perform work for \_\_\_\_\_  
(Name of Subcontractor/Supplier) (Name of Prime Contractor)

My Minority/Women Business Enterprise (M/WBE) status as a MBE ( ☐ ) and/or WBE ( ☐ ) is certified as of \_\_\_\_\_.  
(Certification date)

\_\_\_\_\_ is prepared to do the following:  
(Name of Subcontractor/Supplier)

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

You have projected \_\_\_\_\_ for such work to start.  
(Commencement Date)

\_\_\_\_\_ will sign a formal contract for the above work conditioned  
(Name of Subcontractor/Supplier)

upon the approval of your executed contract with the contractor.

Please choose one of the following options:

**MBE: Subcontractor [       ] Supplier [       ]**  
**WBE: Subcontractor [       ] Supplier [       ]**

Company Official's Name: \_\_\_\_\_  
Company Official's Signature \_\_\_\_\_  
Address: \_\_\_\_\_

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

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

Company Official's Name: \_\_\_\_\_  
Company Official's Signature \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

Title: \_\_\_\_\_  
Date: \_\_\_\_\_  
Fax Number \_\_\_\_\_

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

CONTRACTOR'S ACKNOWLEDGEMENT OF UNDERSTANDING OF POST-EMPLOYMENT PROVISIONS
<p>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.</p>
CONTRACTOR'S DISCLOSURE OF ANY EXISTING AND/OR CONTEMPLATED CONFLICT OF INTEREST
<p>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.</p> <p style="text-align: center;"> <input type="checkbox"/> Yes             <input type="checkbox"/> No         </p> <p>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.</p> <p>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.</p>
CONTRACTOR'S DISCLOSURE OF FORMER STATE EMPLOYEES
<p>Do you employ and/or use any subcontractors who are former employees of OTDA that will be assigned to perform services under this Agreement.</p> <p style="text-align: center;"> <input type="checkbox"/> Yes             <input type="checkbox"/> No         </p> <p>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.</p> <p>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.</p>
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")
<p>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").</p> <p style="text-align: center;"> <input type="checkbox"/> Yes             <input type="checkbox"/> No         </p> <p>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.</p> <p>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.</p>
CONTRACTOR'S AGREEMENT TO NOTIFY OTDA OF POTENTIAL FUTURE CONFLICTS
<p>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.</p>
THE SIGNATURE BELOW INDICATES CERTIFICATION/ACKNOWLEDGEMENT/UNDERSTANDING OF EACH OF THE ABOVE
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Authorized Signatory _____</p> <p>Printed or Typed Name _____</p> <p>Title _____</p> </div> <div style="width: 45%;"> <p>Date _____</p> <p>Contract Number _____</p> </div> </div>

### 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**

## Sexual Harassment Prevention Certification

State Finance Law §139-I requires bidders on state procurements to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment training (that meets the Department of Labor's model policy and training standards) to all its employees.

"By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies its own organization, under penalty of perjury, that the bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law."

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

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

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

Signature: \_\_\_\_\_

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

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



## 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:

## Part D Printed Version of Program Specific Questions

### Instructions

1. Please complete all the required fields.
2. Select the Save button above to save your work frequently.

### Project Title

1. Describe in detail why the Refugee and Immigrant Student Welcome Program is needed in your region. Specifically, demonstrate how your community has experienced increased refugee and immigrant student enrollment and address how your school district plans to develop effective programming that will facilitate integration of these students and their families into the community.
2. Describe other programs or services your school district operates and how they will be used to enhance the effectiveness of your proposed program.
3. Describe your school district's relationships with refugee resettlement agencies or other ethnic community service providers. What specific resources will be made available to Refugee and Immigrant Student Welcome Program participants through these partnerships? If your school district does not have an established relationship with either, please describe your plan to develop one.
4. Describe your school district's relationships with the New York State Office for New Americans (ONA). What specific resources will be made available to Refugee and Student Welcome Program participants through this partnership? If your school district does not have an established relationship with ONA, please describe your plan to develop one.
5. Describe how your school district plans to recruit and serve participants who are refugees or other non-citizens.
6. Describe how the program/services will improve community health and wellness and advance applicable New York State Prevention Agenda Priorities, consistent with Executive Order Number 190: Incorporating Health Across All Policies into State Agency Activities.

**END OF RFP**