



**Office of Temporary  
and Disability Assistance**

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Release Date:

August 2, 2024

Request For Proposals

Access and Visitation Program

Submission Deadline:

September 13, 2024

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## Part A: Request For Proposals (RFP) Summary Information

### I. Timetable and Proposal Submission

#### A. Questions Concerning this RFP

Organizations may submit questions via electronic mail or by mail to the address(es) provided below. All questions must be typed. No handwritten or telephone inquiries will be accepted. Along with your question(s), provide your name, organization, mailing address and e-mail address. Questions must be submitted by 2:00 p.m. on August 16, 2024.

The written response to all questions will be posted in the Statewide Financial System website at [The Statewide Financial System of New York \(ny.gov\)](http://www.sfs.ny.gov) (www.sfs.ny.gov) and at [Office of Temporary and Disability Assistance \(ny.gov\)](http://www.otda.ny.gov) (www.otda.ny.gov) on or by August 23, 2024.

Any question received after the specified deadline will be answered at the discretion of the OTDA and will be published in the Question and Answer document.

New York State Office of Temporary and Disability Assistance  
Division of Child Support Services  
Attn: Ann-Marie Yeates  
40 North Pearl Street, 13-C  
Albany, NY 12243

or:

[Ann-Marie.yeates@OTDA.NY.gov](mailto:Ann-Marie.yeates@OTDA.NY.gov) and [otda.sm.dcse.bpo@OTDA.NY.gov](mailto:otda.sm.dcse.bpo@OTDA.NY.gov)

#### B. Proposal Submission and Due Date

Pursuant to the New York State Division of Budget Bulletin H-1032 (revised), dated January 9, 2024, New York State has instituted key reform initiatives to the grant contract process which require not-for-profits to register in the Statewide Financial System (SFS) and complete the Vendor Prequalification process in order for proposals to be evaluated. Information on these initiatives can be found on the [The Statewide Financial System of New York \(ny.gov\)](http://www.sfs.ny.gov) (www.sfs.ny.gov).

Proposals must be submitted through the Statewide Financial System at [The Statewide Financial System of New York \(ny.gov\)](http://www.sfs.ny.gov) (www.sfs.ny.gov) and must be received no later than 2:00 p.m., September 13, 2024. Any proposal received after the deadline or outside of the Statewide Financial System will be reviewed solely at the discretion of the OTDA. The OTDA will conduct a thorough review of each proposal submitted. Eligible applicants should complete and submit all answers to all questions, and submit all required forms outlined in this RFP. Failure to submit all required forms and answer all required questions will adversely affect the overall competitive score, or make the proposal ineligible. The OTDA is not responsible for any third-party error in the submission of proposals.

All applications must meet the following requirements:

1. Applications must be submitted by eligible applicants as defined in section II.D.; and
2. All applicants must be prequalified in the Statewide Financial System as explained in section I.C.

**C. Prequalification Requirement in the Statewide Financial System**

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

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

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

Information on Registration and Prequalification are available on the [Grants Management website](#). A high-level synopsis is provided below.

**Registering as an SFS Vendor**

To register an organization, send a complete [grants-management-registration-form-for-statewide-financial-system.pdf \(ny.gov\)](#) and accompanying documentation where required by email to [grantsreform@its.ny.gov](mailto:grantsreform@its.ny.gov). You will be provided with a Username and Password allowing you to access SFS.

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

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

**Prequalifying in SFS**

- Log into the SFS Vendor Portal.
- Click on the Grants Management tile.
- Click on the Prequalification Application tile. The Prequalification Welcome Page is displayed. Review the instructions and basic information provided onscreen.

Note - If either of the above referenced tiles are not viewable, you may be experiencing a role issue. Contact your organization's Delegated Administrator and request the Prequalification Processor role.

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

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

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

Note - New York State reserves 5-10 business days from the receipt of complete Prequalification applications to conduct its review. If supplementary information or updates are required, review times will be longer. Due to the length of time this process could take to complete, it is advised that nonprofits Prequalify as soon as possible. Failure to successfully complete the Prequalification process early enough may result in a grant application being disqualified.

Specific questions about SFS should be referred to the SFS Help Desk at [helpdesk@sfs.ny.gov](mailto:helpdesk@sfs.ny.gov).

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

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

- [SFS Vendor Portal Access Reference Guide.pdf \(ny.gov\)](#) to help Grantees understand which Grants Management roles they need in the SFS Vendor Portal based on the work they are currently involved in.
- [Grantee / Vendor User Manual \(ny.gov\)](#) which provides screenshots and step-by-step guidance on how to complete grants management related tasks in SFS.
- On-demand recorded training videos focused on each aspect of the Grants Management business process. Agencies can view vendor training material in SFS Coach by selecting SFS Training for Vendors from the topic drop-down list.

**D. RFP Timetable**

- RFP Release Date – August 2, 2024
- Deadline Date for Questions – August 16, 2024 by 2pm
- Response to Questions Posted – August 23, 2024
- Proposal Due Date – September 13, 2024 by 2pm
- Date of Notification of Award – November 8, 2024
- Contract Start Date – January 1, 2025
- Contract End Date – December 31, 2029

**E. Agency Rights**

The OTDA reserves the right to:

- Award funds by geographic region to ensure the availability of funds statewide;
- Seek clarifications and revisions of applications;
- Use applicant information obtained through site visits, interviews, voucher submissions, experience, and any materials submitted by the applicant in response to the agency’s request for clarification, in the course of evaluation and/or selection under this RFP;
- Conduct contract negotiations with the next responsible applicant should negotiations be unsuccessful after a reasonable amount of time, unless otherwise agreed to by the parties; and
- Make as many or as few awards, or refrain from making any awards under this RFP and determine if a new solicitation is necessary.

**II. Summary of the RFP**

**A. Purpose**

The OTDA supports Access and Visitation Program efforts, through approved services delivered in safe settings, to help separated and divorced families of all income levels achieve improved parenting opportunities and develop abilities that enable both custodial and visiting parents to fulfill their responsibility to raise their children.

Toward that end, the OTDA administers an Access and Visitation Program that is funded by the federal grant known as the “Grants to States for Access and Visitation Program,” (Access and Visitation Program) as set forth in the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 at section 391 (codified at 42 U.S.C. §669b). The availability of Access and Visitation Program funding (AV funding) is subject to receipt of notification of a successful federal grant application by New York State. Federal legislation provides that such programs shall “support and facilitate visiting parents’ access to and visitation of their children.”

**B. Funding**

A total of \$486,233 in federal funds is available to support selected Access and Visitation Programs for a one (1) year period beginning January 1, 2025. Funds for annual program periods beyond the initial one (1) year period are contingent

upon the availability of continued federal funding and State budget authority, satisfactory performance, and at the discretion of the OTDA.

The funding available through the State for the Access and Visitation Program will be referred to as the "Grant Share" and all other support will be supplied by the offeror and be referred to as the "Local Share." The Grant Share for the 2024-2029 Access and Visitation Program can be used to create new, or expand upon existing, Access and Visitation Programs, however the money cannot replace any existing funding for similar types of program services. Federal Grant Share added to Local Share is the Total Program Cost. Allocated Administrative Overhead is limited to 15% of the federal grant award.

For this program a Local Share greater than or equal to 10% of the Total Program Cost must be reflected on the Financial Projection Summary submitted with the proposal. Local Share may include in-kind, and/or program donations. The calculated value and source of all Local Share, including Program Income, shall be included in the Financial Projection Summary and be itemized in the Financial Projection Narrative.

Program Income is any amount received by the program generated directly from any activity supported by and allocable to the Access and Visitation Program. Where any provider elects to charge fees\* for services provided or to earn any other type of Program Income, the entire amount earned must be expended by the provider for the purposes of providing services under the Access and Visitation Program in accordance with the applicable Terms and Conditions and as stated in Attachment A-2 of this RFP.

\*The charging of fees is optional in the Access and Visitation Program. Under the Addition Alternative treatment of Program Income, any program that charges fees will have three (3) separate funding sources for program expenditure: Grant funds, local share funds and fees. Program Income will increase the total amount of funds available to the program during the project period. The program will continue to receive its full allocation of grant funds and must provide its full share of local match. Program Income must be expended during the annual project period in addition to Grant shares and Local shares. Program Income must be used for the purpose set forth in this RFP and will be subject to the conditions of the contract. If the program offeror elects to charge fees, the protocol for informing clients, collecting the fees, and the fee schedule must be set forth in the proposal. All Program Income shall be reported quarterly. Any fees charged to participants in this program shall be reasonable to the family's circumstances and shall not inhibit parent-child access.

Should additional funds be made available to support this RFP, the OTDA reserves the right to make awards in excess of the amount listed above. In the event the amount requested by selected organizations exceeds the amount available, the OTDA will reduce the award amounts to stay within the overall funding limit.

Should additional funds become available, the OTDA reserves the right to allocate additional funds to contractors that have substantially attained their program goals and have expended 90% of their awarded funds by the end of an annual funding cycle, and/or to make additional awards based on the remaining proposals submitted to the OTDA as a result of this RFP, in lieu of releasing a new RFP if deemed in the best interest of the State. In the event funds become available, projects would be awarded funding in a manner consistent with the award methodology set forth in this RFP. The OTDA also reserves the right to solicit and accept new proposals, as funding becomes available.

Furthermore, should a contractor not expend at least 75% of the annual award amount by the end of an annual funding cycle, or should a contractor not attain 75% of their program goals by the end of an annual funding cycle, the OTDA reserves the right to adjust the award amount for future years.

**C. Contract Period**

This RFP governs contracts for the cycle starting January 1, 2025 and ending December 31, 2029. Award amounts for the initial and any subsequent periods are contingent upon the availability of funding and the degree to which performance outcomes have been achieved. The OTDA desires to engage the services of organizations that are successful in helping facilitate visiting parents' access to and visitation with their children and may terminate contracts or initiate contract modifications to reduce award amounts of those projects that are not making progress in fulfilling the performance component of this initiative.

**D. Eligible Applicants**

Organizations eligible to apply for funding under this initiative are limited to not-for-profit community-based organizations. All not-for-profits are subject to the Prequalification Requirement as described in Section I.C.



### **III. Program and Contract Information**

#### **A. Program Background**

Both custodial and visiting parents have a duty to expend all reasonable efforts to provide the support systems needed for their children to mature to self-sufficiency. The New York State Office of Temporary and Disability Assistance (OTDA) is committed to facilitating services that strengthen the parenting foundation of families to improve lifetime opportunities for all children.

Annually, households are growing in number wherein one parent does not reside with their children. Statistics today show that, in New York State, almost 40% of children are born out of wedlock with most being raised in single parent households. The ongoing emotional and financial needs of children in separated families can become disregarded or overlooked. This outcome is particularly common if the parties are in conflict over parental access to, and visitation with, the children and over decisions regarding parenting roles, including the payment of child support. Furthermore, in a significant number of these families in conflict, domestic violence, child abuse, substance abuse, and/or mental health issues may also compromise the quality of the child's environment and impair their development.

It is widely recognized that children benefit significantly from the outcomes of shared parenting roles where both parents contribute consistent emotional and financial support. Evidence suggests that children, when raised in healthy two-parent families, develop better life coping skills and have a greater chance of success in becoming self-sufficient adults. On the contrary, children raised in single parent homes are more likely to be poor, become involved in drug and alcohol abuse, drop out of school, and suffer from health and emotional problems. In addition, boys are more likely to become involved in the criminal justice system, and girls are more likely to become pregnant as teens. The positive influence a visiting parent can have on a child's well-being and development is invaluable. Living arrangements that separate one parent from another do not rescind parental responsibility. With diligence and care, parents that live separately can and should achieve the same nurturing environment for their children as parents living together.

#### **B. Participant Eligibility**

The program targets visiting parents and their relationship with their children. However, custodial parents are integral to the establishment/restoration of satisfactory co-parenting environments and shall be provided with services as appropriate to accomplish the performance target. The customers to be served are parents not living together either through separation, divorce, or other absence of co-residence and their children who are already experiencing conflict, or are at risk of experiencing conflict, over parent-child access. Funding provided through this RFP may not include services for visitation with children in foster care placements. Only grandparents who at one time have been custodial parents or who can be verified as being in the application process to become the custodial caregiver of the child may be enrolled for services, and then only by referral from the court.

**C. Description of Services Sought**

Federal law specifies that the types of activities that may be utilized under the AV grant are limited to mediation (both voluntary and mandatory), development of parenting plans, counseling, parent education, neutral site unobserved child transfer, supervised visitation, and visitation enforcement. Under the New York State Access and Visitation Program, other activities may not be funded with AV funding.

Applicants for the Access and Visitation Program funding may only choose from services 1 - 7 listed in this section. Creative program proposals are encouraged.

Visiting parents served under this program may not be mandated to pay child support as part of the services of the program, however they should be made aware of the importance of supporting their children financially and emotionally.

Programs may provide referrals to services for preventive purposes and/or in response to chronic or acute conflict prior to or after custody and visitation are adjudicated, including but not limited to family violence, substance abuse, mental illness, and anger management. Program offerors will determine the length/duration of family enrollment in their program consistent with community need and local court requirements. Proposals should be structured to result in transition of the family to self-managed visiting parent/child parenting time whenever possible.

Each proposal must contain safeguards to ensure the safety of children, parents and staff and must be confined to a combination of the following services:

1. Mediation – These services could include, but are not limited to, court connected or community-based services involving professionals (certified and trained as family mediators) who meet with both parents to: resolve parenting disputes; develop parenting plans and visitation agreements; and increase visiting parenting time with children when safe and appropriate. Under the Access and Visitation Program, mediation may be voluntary or mandatory.
2. Development of Parenting Plans – These services could include, but are not limited to, the development of formal or informal parenting plans or parenting agreements through services other than mediation which increase visiting parenting time with children when safe and appropriate. These plans may or may not be filed with the court depending upon the wishes of the parents.
3. Counseling – These services could include, but are not limited to, professional advice or guidance provided to parents by a licensed or certified mental health professional. This provision of service is intended to help parents work through their interpersonal conflicts by focusing on the best interests of the child. When safe and appropriate, counseling services should support and facilitate visiting parents' increased parenting time with their children.
4. Parent Education – These services could include, but are not limited to, educational workshops, classes or seminars that provide visiting and custodial parents with information on a range of issues, such as: the effects of separation and divorce on children and families; impact of parental conflict on children; improving parenting skills; how to put a parenting agreement into effect; court procedures for filing a motion for visitation; and custody and visitation compliance issues. Educational services must be delivered by qualified trainers and support and facilitate visiting parents' increased parenting time with their children when safe and appropriate.
5. Neutral Site Unobserved Child Transfer – These services offer a safe location where parents can drop off their children and the other parent can pick them up. These exchanges are self-managed and do not involve interaction between the parents. The parameters of neutral site unobserved child transfer must be set forth.
6. Supervised Visitation – These services shall provide the most regulated form of visiting parent/child interaction and involves direct visit observation that may progress to diminishing stages of direct/indirect observation with authorization from the court. This activity does not involve contact between parents.
7. Visitation Enforcement – These services could include, but are not limited to, Monitored Visitation or Monitored Child Exchange. Court ordered visitation enforcement must ensure the safety and welfare of children, parents, and providers, and services must be appropriate to the age of the child and consider the family's history. Services must be delivered by qualified, experienced personnel at a specified location. These services should be structured as an interim solution to the family's conflict with the need for visitation enforcement ultimately being resolved whenever possible. The parameters of monitored child exchange must be set forth.

The proposal should thoroughly describe:

- a) the services that will be provided;

- b) under what circumstances the supervision of the family visit will transition from immediate direct supervision to indirect supervision; and
- c) whether services will be delivered in group or individual settings.

The parameters of monitored child exchange or neutral site unobserved child transfer must be set forth. The respective roles of provider and parents throughout visitation enforcement should be thoroughly detailed and made known to all parties in advance of service. The expectation with regard to referrals, post-program reporting to the referring agent, and follow-up should be outlined.

For the purpose of this program, Supervised Visitation shall provide the most regulated form of visiting parent/child interaction and involves direct visit observation that may progress to diminishing stages of direct/indirect observation with authorization from the court. This activity does not involve contact between parents.

Monitored Visitation offer families a transitional stage wherein visits are indirectly observed. Visits may become self-managed, may occur onsite with indirect observation or offsite without immediate observation, and always includes post-visit follow-up, which may be by telephone with both parents, to assess results. During Monitored Visitation parent-to-parent interaction and contact can evolve as circumstances permit.

Monitored Child Exchange occurs when one parent transfers the child to the other parent. Transfers must be observed and documented by trained monitors.

Neutral Site Unobserved Child Transfer (parent-to-parent exchange) presents an option that may facilitate achieving self-managed co-parenting in the separated family.

Visitation enforcement services must support and facilitate visiting parents' increased parenting time with their children when safe and appropriate.

Applicants must describe how their program will promote a healthy and safe environment; promote healthy women, infants and children; and/or promote well-being and prevent mental health and substance use disorders consistent with Executive Order (EO) 190 (examples might include reducing conflict in families; developing skills for co-parenting; creating a safe environment for transfer of children in conflicted families; and addressing barriers that prevent parents from connecting with their children). Applicants must also describe how their program will provide information through a variety of means and in a culturally competent manner consistent with EO 190 (examples might include description of a language access plan, or a plan for communication regardless of parents' reading, physical or technological abilities). For more information about EO 190, see attachment 1.

**D. Post-Program Follow-Up**

For the purpose of measuring increased visiting parenting time with children, each program will be required to conduct pre-service evaluations at the onset of

program participation, and post-service evaluations within one (1) month after the last date of program participation, and again at four (4) months. These evaluations should measure whether the visiting parent has experienced an increase in the number of hours, days, and/or holidays they spend with their child(ren) as compared to parenting time prior to the provision of the access and visitation services. The proposal shall include a description and copy of each evaluation. As mentioned earlier, the program outcome must be the support and facilitation of visiting parents' increased parenting time with their children. Programs are encouraged to consider secure online surveys or other methodologies.

**E. Outcomes**

The OTDA requires the Access and Visitation proposals to identify the program deliverables as related to supporting the program outcome of increasing the visiting parents' access to and visitation (parenting time) with their child(ren). The baseline measure will be the level of visitation and access to their child(ren) prior to participation and upon completion of the program - as measured by a pre-services evaluation administered by the program. The program results will be measured by two (2) post-program visiting parent evaluations administered one (1) and four (4) months after completion of the program.

It is anticipated that 100% of the visiting parents who complete the post-program evaluations will report on one (1) of the following:

- Regular access to and visitation (parenting time) with their child(ren) has been established and can continue unassisted; or
- Regular access to and visitation (parenting time) with their child(ren) has been established but continues to require supervision; or
- The court has decreed that visiting parent access to and visitation (parenting time) with their child(ren) is not in the best interest of the child at the present time.

Programs may, and in fact are encouraged to, include additional program outcomes provided they are consistent with the performance target of this RFP.

**F. Reports**

Reports will be required on at least a quarterly basis and must describe the progress of Access and Visitation activities and participants served. Reports will be due within 15 days of the end of each quarter. A report template will be provided to all awardees.

**G. Voucher Submittal**

Vouchers for claims through the Access and Visitation Program must be submitted through the Statewide Financial System on at least a quarterly basis and must follow the submission guidelines for supporting documentation to be established by the OTDA.

**H. Record Keeping**

Contractors must ensure that books, records, documents and other evidence pertaining to costs and expenses of the contract are maintained in such detail as will reflect all costs of materials, equipment, supplies, services, building costs and

all other costs and expenses for which reimbursement is claimed or payment is made under the contract. Additionally, all records pertaining to awards made under this funding opportunity, including financial audits, budgets, plans/drafts, supporting documents, statistical records, etc., must be retained for a period of at least six (6) years following the submission of the final expenditure report.

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

**I. Monitoring**

Programs will be monitored by the OTDA on a regular basis throughout the term of the contract. Monitoring may include site visits, e-mails or telephone contact. The goal of monitoring is to ensure that the terms of the contract are being met. In addition, monitoring enables the OTDA to provide technical assistance, where necessary, to assist the contractor in meeting the terms of the contract. It is the responsibility of the contractor to monitor any and all subcontracts to ensure compliance with the requirements and goals of the Access and Visitation Program.

**IV. Proposal Requirements**

**A. Evaluation Process**

All proposals will be reviewed by the OTDA staff assisted by such other State personnel as is deemed appropriate. Following the desk review of applications, several other steps may take place to further evaluate proposals. These steps may include a telephone interview with the designated contact person in the organization; a request for additional written information or documentation, if necessary; a site visit; a face-to-face meeting with agency representatives; and/or communication with references.

Proposals will be evaluated by a comparative analysis among proposals received. Proposals will be reviewed and assigned an overall competitive score. Proposals will be funded based upon the score received, subject to the availability of funds. In addition:

- Awards may be allocated proportionately at a level below the amount requested by an applicant to ensure the availability of funds statewide.
- The requested amount of funding may be reduced by ineligible expenses.
- The requested amount of funding may be reduced based on past AV spending practices.

**B. Evaluation Criteria**

The following is provided as the relative weight for each section of the application:

- Up to 50 points may be earned for:
  - Description of how program intends to facilitate visiting parent access to and visitation with their children;
  - Documentation of community needs assessment, including disparities in access;
  - Correlation of program with needs;
  - Identification of systemic barriers to AV grant services for people of color and other underserved populations, and how grant activities will address such barriers;
  - Description of how outreach and recruitment efforts will promote equity in access for underserved or marginalized populations;
  - Well-defined baseline customer behaviors;
  - Strong program design and delivery;
  - Inclusion of robust outcome validation procedures, including method for successfully collecting post-program data;
  - Description of how program will promote a healthy and safe environment; promote healthy women, infants and children; and/or promote well-being and prevent mental health and substance use disorders consistent with EO 190 (examples might include reducing conflict in families; developing skills for co-parenting; creating a safe environment for transfer of children in conflicted families; and addressing barriers that prevent parents from connecting with their children) and how the program will provide information through a variety of means and in a culturally competent manner consistent with EO 190 (examples might include description of a language access plan, or a plan for communication regardless of parents' reading, physical or technological abilities); and
  - Provision of relevant and appropriate services including safeguards to ensure the safety of parents, children and staff.
- Up to 20 points may be earned for:
  - Overall program cost-effectiveness;
  - Consistency of project with funding guidelines and program priorities;
  - A realistic plan for continued funding; and
  - Additional resources and local match beyond the required amount where required.
- Up to 30 points may be earned for:
  - Appropriate staffing patterns;
  - Staff qualifications and responsibilities consistent with services and performance targets;
  - Staff recruitment/retention plans;
  - Agency experience, capacity and ability to deliver proposed program;
  - Coordination with other community services, if such exist; and
  - Overall creativity.

**C. Award Procedure**

The contracts resulting from this RFP will start on or about January 1, 2025. It is anticipated that successful applicants will receive multi-year contracts for five (5) years with an allowance for termination at any time. Contracts submitted to the Office of the State Comptroller (OSC) and the New York State Office of the

Attorney General (OAG) will include the maximum amount of the award for the entire five (5) year period. Upon approval of funding recommendations by the OTDA and award notices, contract development instructions will be issued to awardees. The OTDA reserves the right to negotiate any aspect of a proposal in order to ensure that the final agreement meets the Access and Visitation Program objectives. Awardees will be asked to develop and provide electronically a detailed implementation plan that sets forth the program goals. Successful applicants are required to submit a Vendor Responsibility Questionnaire and are encouraged to do so electronically by registering with the OSC Vendor Responsibility System at <https://www.osc.state.ny.us/vendrep/>. In addition, Workers Compensation coverage, Disability coverage, and registration of exemption status with the Attorney General's Charities Bureau are required.

The OTDA encourages Access and Visitation Program applicants to use other funding resources and programs in concert with Access and Visitation funds. These resources should be fully integrated in a comprehensive service plan for the target population. Successful applicants must present explicit information on these other resources, demonstrate how the program will be enhanced by these resources, and how duplication of services within the applicant's community will be prevented. Program money cannot supplant (replace) any existing funding for similar types of program services.

Contractors will be required to develop a comprehensive assessment and work plan. Contractors will also be required to provide quarterly reporting data to the OTDA and federal survey data consistent with federal regulations and requirements.

Should additional AV funds become available, the OTDA reserves the right to consider other proposals in response to this RFP and/or amend existing contracts. Updated information will be requested as deemed necessary by the OTDA. The OTDA reserves the right to solicit and accept new proposals if or when additional funding becomes available.

Should available funds be decreased in future years, the OTDA also reserves the right to reduce awards on a pro-rated basis.

**D. Method of Selection**

The method of selection will be based on a point system. Awards will be based on the highest total points earned and in accordance with the guidelines set forth in Section III. In order to best maximize statewide program access, the OTDA reserves the right to consider lower scoring proposals to address statewide coverage. Regardless of score, the OTDA reserves the right to:

- Seek clarifications and revisions of proposals;
- Fund, or not fund, a proposal based on availability of funds and/or other relevant information, including an organization's financial position; and
- Award all, some, or none of the funds available.



**V. General Terms and Conditions**

- A. The 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. The OTDA reserves the right to terminate the contract in whole or in part, or modify the contract at its discretion or due to the unavailability of funds. If additional funding becomes available, the OTDA reserves the right to subsequently reconsider eligible proposals submitted in response to this RFP at that time, using the same scoring criteria and award methodology. Updated information may be requested as deemed necessary by the OTDA.
- B. The OTDA also reserves the right to issue a new RFP to solicit new proposals.
- C. This RFP does not commit the OTDA to award any contracts or to pay any costs incurred in the preparation of a response to this RFP, or to procure or contract for any services. The OTDA reserves the right to amend, modify, or withdraw this RFP and to reject any and all proposals submitted, and may exercise such right at any time and without notice or liability to any applicant or other parties for any expenses incurred in the preparation of a proposal.
- D. This RFP and any resulting contracts are subject to all applicable laws, rules, and regulations promulgated by any federal, State and municipal authority having jurisdiction over the subject matter thereof. Any contract awarded pursuant to this RFP will be subject to the OTDA's processing procedures for contracts of this type, including approval as to form by the OAG, as to award by the Division of Budget, and by the OSC. The successful applicant will receive the complete standard contract for execution in the Statewide Financial System . The applicant is encouraged to review sections of the contract that are attached before submitting an application.
- E. It is the policy of the OTDA to encourage the employment of qualified applicants/recipients of Temporary Assistance by both public organizations and private enterprises that are under contractual agreement with the OTDA for provision of goods or services. The OTDA may require applicants to demonstrate how they have complied or will comply with the aforesaid policy.
- F. The proposal of the successful applicant will serve as the basis for the contract, the terms of which will be modified within the context of this RFP. Applicants may view a sample contract on the OTDA Procurement page. The following will be incorporated into any contracts resulting from this RFP:
  - 1. NYS Master Contract Terms and Conditions;
  - 2. Attachment A-1 (Program Specific Terms and Conditions);
  - 3. Attachment A-2 (Agency Specific Terms and Conditions);
  - 4. Attachment A-3 (Federally Funded Grants Terms and Conditions);
  - 5. Attachment B-1 (Expenditure-Based Budget);
  - 6. Attachment C (Work Plan); and
  - 7. Attachment D (Payment and Reporting Schedule).

- G. Submission of a proposal will be deemed to be the consent of the applicant to any inquiry made by the OTDA of third parties with regard to the applicant's experience or other matters relevant to the proposal. The OTDA reserves the right to request and consider additional information from any applicant beyond that presented in the initial proposal. The award of the contract, if any, may be made in reliance on additional information requested. Such information may include budget justification, program information, operation details, verification of past performance, personnel information, or other funding source information.
- H. All products, deliverable items and working papers resulting from this contract will be the sole property of the OTDA, and the applicant is prohibited from releasing these documents to any persons other than the Commissioner of the OTDA or his/her designee unless authorized by the OTDA to do so. The proposal shall be signed by an official authorized to bind the applicant and shall contain a statement to the effect that the proposal is a firm offer for a 180-day period. The proposal shall also provide the name, title, address, telephone number and area code of individuals with authority to negotiate and contractually bind the applicant, and who may be contacted during the period of proposal evaluation.

#### **VI. General Information for Successful Bidders**

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

- A. **Cost of Proposal Preparation** – The OTDA will not be liable for any costs of work performed in the preparation and production of a proposal, or for any work performed prior to the formal execution of a contract. By submitting a proposal, the bidder agrees not to make any claims for, or have any right to, damages because of any misunderstanding or misrepresentation of the specifications, or because of any misinformation or lack of information. The proposals shall become property of the State of New York.
- B. **Assurances** – The applicant warrants that it has carefully reviewed the needs of the State as described in the RFP, its attachments and other communications related to the RFP, and that it has familiarized itself with the specifications and requirements of the RFP. The applicant warrants that it can provide such services as represented in their proposal. The applicant agrees that it will perform all of its obligations in the resultant contract in accordance with all applicable federal, State and local laws, regulations and policies now or hereafter in effect.
- C. **Electronic Files or Data** – If electronic files are to be exchanged as a part of this proposal or as a product of the contract, they must conform to agency policy and guidelines.
- D. **Conflict of Interest** – Applicants may be requested to provide evidence that the award of the contract from this RFP will not result in a conflict of interest with regard either to other work performed by the contractor, or to a potential conflict of interest among specific contractor staff or subcontractors.

- E. **Ownership of Materials** – All materials developed with funding provided by the State and all proposals, work plans and budgets become property of New York State. All materials produced, either in whole or in part, through funding provided by New York State shall belong exclusively to the OTDA and to the State of New York. The OTDA may use any of the materials developed with program funds for any OTDA or other State purpose.
- F. **Equal Employment Opportunity** – By submission of its bid, the successful applicant warrants that it is an Equal Opportunity Employer, and that it does not discriminate in its employment and business practices on any of the bases provided in the New York State Human Rights Law or any applicable federal laws.
- G. **Prompt Payment Provisions** – The payment of interest on certain payments due and owed by the State may be made in accordance with the criteria established in Article XI-A of the State Finance Law.
- H. **Contract Award** – Upon receipt of necessary State approvals, an award letter will be issued by the OTDA to the successful applicant advising them of a contract award. A contract defining all deliverables and the responsibilities of the contractor and the OTDA will then be developed for signature by both parties and for approval and processing in accordance with State policy and practice. The contract does not become legally binding upon the State of New York until it is executed by the OSC.
- I. **Publicity** – Includes, but is not limited to, news conferences, news releases, advertising, brochures, reports, discussions and/or presentations at conferences or meetings. The inclusion of our materials, our agency name, or other such reference to New York State and/or the OTDA in any document or forum is considered publicity. News releases or any other public announcements regarding this project may not be released without prior approval from the OTDA.
- J. **Freedom of Information Law and Bidder's Proposals** – The purpose of New York State's Freedom of Information Law (FOIL), which is contained in Public Officers Law Sections 84-90, is to promote the public's right to know the process of governmental decision making and to grant maximum public access to governmental records. Thus, a member of the public may submit a FOIL request for contracts awarded by the State, or for the proposals submitted to the State in response to Requests for Proposals. After formal contract award, the proposal of the successful applicant and the proposals of non-successful applicants are subject to disclosure under FOIL. However, pursuant to Section 87(2)(d) of FOIL, a State agency may deny access to those portions of proposals or portions of a successful applicant's contract which "are trade secrets or submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Please note that information which you may claim as proprietary, copyrighted or rights reserved is not necessarily protected from disclosure under FOIL. If there is information in your proposal which you claim meets the definition set forth in Section 87(2)(d), you must so inform us in a letter accompanying your proposal.

- K. **Americans with Disabilities Act (ADA)** – The successful applicant shall comply with all applicable requirements of the ADA, codified at Title 42 of the United States Code, section 12101 et seq. and associated regulations, including, but not limited to, those located in 28 C.F.R. Part 36. The successful applicant shall comply with all applicable requirements of the New York State Human Rights Law, codified in the Executive Law sections 290-301 and applicable regulations implemented pursuant to that law. The successful applicant shall warrant to the OTDA that the successful applicant is in compliance with both the ADA and its regulations, and the New York State Human Rights Law and its regulations. Any products developed as a result of this RFP must be in a format that can be converted for use by individuals with disabilities to meet the reasonable accommodation standards established by the ADA.
- L. **Contract Modification** – The contract budget can be modified, upon mutual agreements of the parties, during any term by written amendment. Budget modifications over 10% require external approvals by both the NYS Office of the Attorney General and the OSC.
- M. **Contract Cancellation** –The OTDA reserves the right to cancel the contract or any part thereof, at any time, upon 30 days written notice. If, in the judgment of the OTDA, the selected contractor fails to perform the work in accordance with the contract, the OTDA may terminate the contract immediately by written notice for cause. The OTDA may elect to suspend contract performance or provide a cure period prior to termination.
- N. **Responsibility Determination** – Article 11 of the New York State Finance Law requires that competitive bids be awarded to responsive and responsible bidders. In order to fulfill this requirement, you must complete the Vendor Responsibility Questionnaire in the VendRep system at <http://www.osc.state.ny.us/vendrep/index.htm>. By signing the bid proposal, you hereby authorize the OTDA to review any records in its possession concerning your organization including, but not limited to, wage records, unemployment insurance records, public works records, labor standards, and safety and health records. Based on the responses you provide, the OTDA will determine whether your organization is a responsible bidder. If you are disqualified based on a determination of non-responsibility, you will be notified in writing and may appeal the determination in writing within 10 days to the Commissioner. If you fail to identify a violation and the OTDA discovers the failure to disclose such violation, your contract may be terminated immediately upon written notice.

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

2. **Deadline for Submission of Formal Protests or Omissions in the Procurement Process** – The OTDA must receive formal protests concerning errors, omissions, or prejudice, including patently obvious errors in the RFP specifications or documents, at least 10 calendar days before the proposal due date.
3. **Deadline for Submission of Formal Protests of Contract Award** – The OTDA must receive a formal protest concerning a contract award within 10 business days of the issuance of notice of contract award.
4. **Review and Final Determination of Protests** – Protests will be resolved through written correspondence. However, the protestor may request a meeting to discuss a formal protest or the OTDA may initiate a meeting on its own accord, at which time the participants may present their concerns. Either the protestor or the OTDA may decline such a meeting. Where further formal resolution is required, the Director of BCM may designate an OTDA employee (“designee”) to determine and undertake the initial resolution or settlement of any protest. The designee will conduct a review of the records involved in the protest and provide a memorandum to the Director of BCM summarizing the facts as determined by the designee, an analysis of the substance of the protest, and a preliminary recommendation. The Director of BCM shall: (a) evaluate the designee’s findings and recommendations, and the evaluation team’s reports and recommendations; (b) review the materials presented by the protesting party and/or any materials required of or submitted by other Offerors; (c) if necessary, consult with the OTDA Counsel’s Office; and (d) prepare a response to the protest. A copy of the protest decision, stating the reason(s) upon which it is based and informing the protestor of the right to appeal an unfavorable decision to the OSC shall be sent to the protestor or its agent within 45 calendar days of receipt of the protest, except that upon notice to the protestor such period may be extended. The protest decision will be recorded and included in the procurement record, or otherwise forwarded to the OSC upon issuance.
5. **Appeals** – Specifics on the Nonprofit Contract Appeal Process can be found at: <http://otda.ny.gov/contracts/>. Upon receipt of the OTDA’s determination of a protest, a protestor has 10 business days to file an appeal of determination with the OSC, Bureau of Contracts. The appeal must be filed with the Bureau Director at [bidprotests@osc.ny.gov](mailto:bidprotests@osc.ny.gov) or New York State Office of the State Comptroller, 110 State Street, 11th Floor, Albany, NY 12236. The protestor’s appeal must contain an affirmation in writing that a copy of the appeal has been served on the OTDA, the successful applicant (except where the contracting agency upholds the protest and the successful applicant is the appealing party), and any other party that participated in the protest. In its appeal, the interested party shall set forth the basis on which it challenges the OTDA’s determination. The OSC Bureau of Contracts will conduct a formal review and issue its determination of the appeal in accordance with its established policy and procedures.

6. **Reservation of Rights and Responsibilities of the OTDA** – The OTDA reserves the right to waive or extend the time requirements for protest submissions, decisions, and appeals herein prescribed when, in its sole judgment, circumstances so warrant to serve the best interests of the State and the OTDA. If the OTDA determines that there are compelling circumstances, including the need to proceed immediately with the contract award in the best interest of the State, then these protest procedures may be suspended and such decision shall be documented in the procurement record. The OTDA will consider all information relevant to the protest, and may, at its discretion, suspend, modify, or cancel the protested procurement action including solicitation of bids or withdraw the recommendation of contract award prior to issuance of a formal protest decision.
7. **Procurement Activity Prior to Final Protest Determination** – Receipt of a formal bid protest shall not stay action on a procurement unless otherwise determined by the OTDA. If a formal protest or appeal is received by the OTDA on a recommended award prior to the underlying contract being forwarded to the OSC, notice of receipt of the protest and appeal must be included in the procurement record forwarded to the OSC. If a final protest decision or final decision on appeal has been reached prior to transmittal to the OSC, a copy of the final decision must be included in the procurement record and forwarded with the recommendation for award. If a final protest decision is made after the transmittal of a bid package to the OSC, but prior to the OSC approval under State Finance Law §112, a copy of the final OTDA decision shall be forwarded to the OSC when issued, along with a letter either: (a) confirming the original OTDA recommendation for award and supporting the request for final §112 approval; (b) modifying the proposed award recommendation in part and supporting a request for final §112 approval as modified; or (c) withdrawing the original award recommendation.
8. **Record Retention of Bid Protests** – All records related to formal applicant protests and appeals shall be retained for at least one year following resolution of the protest. All other records concerning the procurement shall be retained according to the statutory requirements for records retention.

## **VII. Contractor Requirements and Procedures for Business Participation Opportunities for New York State Certified Minority- and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women**

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

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

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

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

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

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

By submitting a bid or proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the



New York State Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting the Contract’s program manager at OTDA.

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

- 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.

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

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

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

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

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

## **Equal Employment Opportunity Requirements**

By submission of a bid or proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of [Appendix A – Standard Clauses for All New York State Contracts including Clause 12 - Equal Employment Opportunities for Minorities and Women OR Authority equivalent to Appendix A]. The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation,

planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

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

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

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and subcontractors 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.

## **VIII. Participation Opportunities for New York State Certified Service-Disabled Veteran-Owned Businesses**

Article 3 of the New York State Veterans' Services 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 the Contractor. Nevertheless, the 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/>.

The 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.



## Part B: Instructions to Complete Application

### A. General Information

This grant opportunity is being conducted as an SFS bid event on the SFS online platform. Go to [sfs.ny.gov](https://sfs.ny.gov). Applicants should log-in with Vendor credentials. If you have previously registered and do not know your Username, please contact the SFS Help Desk at (855) 233-8363 or at [Helpdesk@sfs.ny.gov](mailto:Helpdesk@sfs.ny.gov). If you do not know your Password, please click the SFS Vendor Forgot Password link from the main log in page and follow the prompts.

The three role permissions needed to view and work on a bid event are:

- Bid Event Inquiry;
- Bid Event Initiator; and
- Bid Response Submitter.

Training materials focused on grants management functionality is currently available in SFS from the SFS Coach tile. Selecting **SFS Training for Vendors** from the topic drop-down list. Leave other fields blank. Select **Searching/responding to Grant Opportunities video** as a guide on how to apply.

Additionally, the [SFS Vendor Portal Access Reference Guide.pdf \(ny.gov\)](#) can help Grantees understand which Grants Management roles they need in the SFS Vendor Portal based on the work they are currently involved in. The [Grantee / Vendor User Manual \(ny.gov\)](#) provides screenshots and step-by-step guidance on how to complete grants management related tasks in SFS.

Specific questions about SFS should be sent to the SFS Help Desk at [helpdesk@sfs.ny.gov](mailto:helpdesk@sfs.ny.gov).

AV applications are due on XXXX XX, 2024 by 3:00 P.M. Waiting until the last several days to complete your application online is ill advised, as you may have technical questions. Beginning the process of applying as soon as possible will produce the best results.

## B. Searching for the Bid Event in SFS

For more detailed instructions please refer to pages 76-96 of the “SFS Handbook: Grantee Processing in SFS” [Grantee / Vendor User Manual \(ny.gov\)](#) for additional detailed instructions on responding to bid events and completing the application:

- Log into the SFS Vendor Portal.
- Click the “Grant Management” tile.
- Click the “Bid Event Search” tile.
- Select the “Search by Status” field drop-down list, click “Available” from the list and click the “Search” button.
- Select the appropriate Grant Opportunity and then click the “Bid on Event” button.
- From the Event Details page, you may review the Event Start, Event End Date, Estimated Award Date and Anticipated Contract Date fields.
- Click the “Additional Bid Info” link and review the Additional Bid Info, then click “OK” to return to the Event Details page.
- Select the “Events Comments and Attachments” link, located at the bottom of the page to view any instructions, attachments and/or comments. You may need to scroll to see this link.

## C. Instructions for Completing the Application

Applicant Questions are shown in Part D of this RFP. Required documents are shown in bullet D of this section. Applicant Questions and Required Documents should be downloaded from the SFS Bid Event, instructions follow.

**Submit one application per Agency in SFS.** Only one user can work on and save information to a bid event at a time. If multiple users are working at the same time, some information will not be saved. Users may return to a saved application. Use the ‘Save’ and ‘Save for Later’ buttons until you are ready to submit. When returning after being away, do the Bid Event Search. Click Event ID number, then from the Event Details page, see My bids. Click the blue link that says ‘1 in-process’, then View/Edit to continue.

From Event Details page, scroll down and click the blue link named “Events and Comments.” Review instructions on this screen and download all documents. Complete documents as directed, save as PDFs and upload throughout the Events Questions section in SFS where directed. PDF is the only format which can be viewed by OTDA. It is imperative that you upload only PDFs in the SFS system.

From the Event Details page, complete Step 1 ‘Answer General Event Questions’ including adding the Project Site Address(es) from the blue link.

From the Event Details page, complete the Event Questions section. All responses require PDF uploads. Applicant Questions are shown in Part D of this RFP. Download the Applicant Questions Word document. Provide your response to each question directly underneath each question. Save the document as a PDF. Upload the Applicant Questions PDF document in the Event Questions section where directed. Continue to complete all questions in the Event Questions section by uploading the PDF document which is requested.

## C. Required Pre-Submission Uploads

Following are explanations of the forms applicants are required to upload prior to submitting a proposal. Download all forms by following the links available on the Statewide Financial System Upload Screen, or you may print the forms in Part C of this RFP. Upload all forms in the places designated throughout the application. If you are unable to produce required information, you must upload an explanation in its place.

- **Contractor Information Form (Attachment 2)** – This form includes required applicant information and authorized signatories.
- **Agency Agreement (Attachment 3)** – This form must be signed by an authorized signatory and certifies agreement to the terms described herein.
- **M/WBE Goal Requirements Certification of Good Faith Efforts (Attachment 4)** – This form must be signed, certifying agreement to document good faith efforts to provide meaningful participation by New York State certified M/WBE subcontractors or suppliers/vendors in the performance of this contract.
- **Staffing Plan (Attachment 5)** – The staffing plan should be completed based on the composition of staff working on the project. Enter the numbers or count in the corresponding boxes, and add up the totals in each column. This form is for diversity research purposes only and has no bearing on M/WBE participation requirements or overall participation goals.
- **M/WBE-EEO Policy Statement (Attachment 6)** – This is an acknowledgment that New York State is an Equal Employment Opportunity employer, and by extension it expects all vendors, contractors, and subcontractors that hold contracts with New York State to ensure the same standard of equal opportunity in their employment practices. Applicants must sign and return the M/WBE – EEO Policy Statement with their proposals.
- **M/WBE Utilization Plan (Attachment 7)** – This form must be submitted with any bid, proposal, or proposed negotiated contract, or within a reasonable time thereafter, but prior to contract award. The Utilization Plan must contain a detailed description of the supplies and/or services to be provided by each certified Minority-Owned Business Enterprise (MBE) and Women-Owned Business Enterprise (WBE) under the contract. A dually certified firm cannot be counted toward both the MBE and WBE participation goals.
- **M/WBE Subcontractor and Suppliers Letter of Intent to Participate (Attachment 8)** – This form must be submitted with any bid, proposal, or proposed negotiated contract or within a reasonable time thereafter, but prior to contract award. The form serves as an agreement with the vendors that will provide supplies and/or services under the approved contract. Letters of Intent must be submitted for each MBE and WBE indicated on the M/WBE Utilization Plan.

From the Event Details page, complete Step 2 ‘Enter Line Bid Responses’. Under Lines, click Period 1. After clicking Period 1, use the blue Budget Properties link and the blue Workplan Properties link to complete the annual budget and annual workplan. See more details below.

## E. Budget

Complete one overall ANNUAL budget. There is the Access and Visitation Budget Statement by Category form, on which the applicant must indicate funds requested for each category. The form is provided as an excel document in SFS in the Events and Comments section. This form should correlate with the budget developed on the Budget screens. Complete budget screens for ANNUAL grant funds requested. Only use whole dollar amounts for funds requested.

Funds will be used for operating expenses, including but not limited to contractual services, travel, equipment, property rental and or ownership costs, utilities, and or other operating expenses to support the services provided.

Use the following as a guideline for where expenses should appear in the budget.

- Insert expenses on appropriate lines.
- Include short narrative justifications in the fields provided to describe why expenses are needed for the project. Narrative justifications are important to give more detail about the expense and explain how it's related and necessary for the project.

Personal Services (Salaries) – Include employees that will be paid in full or in part from contract funds. Each title should be listed separately, and justification should relate to what the position does related to the project.

Fringe Benefits – 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. 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 STEHP funds are being requested to cover these expenses, the total fringe benefit and payroll taxes chargeable to this program cannot exceed the OSC's rate. No exceptions are granted to the maximum rate of 62.48%. You may allocate a lower percentage.

Contractual Services – Costs for services rendered to the project under a formal or written agreement such as direct provision of services by contractual arrangement. Only the pro-rated portion of the entire expenditure that is related to the AV 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 services outlined in or associated with the contract and whose services are to be funded under the contract budget. This includes any other nonprofits performing work under the proposed AV contract. 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.

Travel – These costs may be reimbursed up to the NY State rate. Only travel costs for personnel listed under Personal Services and participant travel costs are acceptable. Out-of-state travel is discouraged, although a contractor may pursue such travel with justification and pre-approval from OTDA.

Equipment – 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 three competitive bids and must receive OTDA prior approval. All things being equal, the contractor must purchase equipment from the lowest bidder.

Space/Property – This section is used to itemize costs associated with Space/Property that the applicant uses to conduct business, or for rental of a shelter or transitional housing site. Include justification of expenses in the field provided. Only the pro-rated portion of the entire expenditure that is related to the AV Program is allowed.

Utilities – 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 AV Program is allowed unless utility expenses are specific to the AV Program.

Operating Expenses – Items necessary to operate the program such as, insurance, postage, copies, or supplies.

Other – Eligible items or services necessary to run the program which do not fall into any of the preceding lines in the budget. Examples: program portion of agency audits, allocated administrative overhead, staff training, or dues and subscriptions pertinent to delivery of services.

**Save all work.**

## **F. Workplan Details**

In the Project Summary section, describe the AV project. Provide a detailed description of the target population you intend to serve identifying that the target population is presently parents not living together either through separation, divorce, or other absence of co-residence and their children who are already experiencing conflict, or are at risk of experiencing conflict, over parent-child access according to the definitions in the RFP. Describe service delivery method, hours of operation and where services will be provided. Describe aspects of the programming for each category including general goals and outcomes of the program.

In the Objectives, Tasks and Performance Measure section, add three Objectives with one task and one performance measure under each objective. Use the yellow button to add the next objective. To add a task under an objective, click the objective check box in the Select column, then click the yellow task button or use the + sign. To add a performance measure under a task, click the task check box in the Select column, then click the yellow performance measure button or use the + sign.

**Save all work.**

## **G. Bid Response**

After the budget and workplan are completed and saved, use the return to bid response link. On Event Details page, Step 2, enter 'Your Unit Bid Price', which is the total amount of

ANNUAL grant funds requested in the budget. The amount must match the total amount entered on the budget screens.

It is suggested that applicants review all work before submitting. Use the Bid Response PDF link. It will create a PDF of the entire application including uploads. Double-check that all required documents are visible in the PDF. The PDF is what OTDA uses to evaluate the proposal. If documents are not visible, it's likely they were not uploaded in PDF format. (The Bid Response PDF will not incorporate Word or Excel documents).

It is also suggested that applicants plan to submit the final application before the deadline day in case errors need to be resolved.

When ready, use the Submit Bid button. If there are errors or missing information, you will receive a message. Follow prompts on the error messages. Email [helpdesk@sfs.ny.gov](mailto:helpdesk@sfs.ny.gov) if you cannot resolve the errors. No changes will be allowed after the bid is submitted. You will receive confirmation that it has been successfully submitted.

## **Executive Order No. 190: Incorporating Health Across All Policies into State Agency Activities**

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

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

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

The WHO Eight Domains of Livability include:

1. Outdoor Spaces and Buildings
  - 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.

## Part C: Forms to Upload

Form Title
Contractor Information Form
Agency Agreement
M/WBE Goal Requirements Certification of Good Faith Efforts
Staffing Plan
M/WBE-EEO Policy Statement
M/WBE Utilization Plan
M/WBE Subcontractor and Suppliers Letter of Intent to Participate
Certification Under Executive Order No. 16
Executive Order 177 Certification
Non-Collusive Bidding Certification
Offeror's Acknowledgment of Understanding of Post-Employment Provisions
Offeror's Assurance of No Conflict of Interest or Detrimental Effect
Sexual Harassment Prevention Certificate

## **Part D: Printed Version of Program-Specific Questions**

### **Community and Partners**

- 1.1 Describe the targeted service area including the number of parents and children to be served.
- 1.2 Describe the local needs assessment used to develop your proposal, including disparities in access.
- 1.3 Describe systemic barriers to AV grant services for people of color and other underserved populations, and how grant activities will redress such barriers.
- 1.4 Describe how outreach and recruitment efforts will promote equity in access for underserved or marginalized populations.
- 1.5 Describe any existing linkages to community-based organizations (CBOs). Include any Letters of Participation from the CBOs, the local court system and the local social services district or its NYC equivalent.
- 1.6 Identify agencies (if any) with which you will need to establish a linkage or improve an existing connection in order to ensure success of this project.

### **Delivery of Services**

- 2.1 Identify the elements of the proposed project, including the specific services to be provided.
- 2.2 Describe the delivery strategy, including any outreach, and community collaboration.
- 2.3 Describe how the roles of provider and parents will be made known to all parties in advance of service.
- 2.4 Describe the physical layout of the area(s) in which services will be delivered. Include ingress and egress.
- 2.5 Describe safeguards to ensure safety of parents, children and providers.
- 2.6 Describe how your program will promote a healthy and safe environment, promote well-being and prevent mental health and substance use disorders consistent with EO 190.
- 2.7 Describe how your organization will provide communication through a variety of means and in culturally competent manner consistent with EO 190.
- 2.8 Describe your record storage and retention plans.

### **Outcomes**

- 3.1 For each service your program will provide, describe how you will determine baseline need for each service.
- 3.2 Describe the desired outcome(s) your program will produce.
- 3.3 Describe how you plan to verify that each customer has reached the performance target and has achieved a benefit.
- 3.4 Describe how your program will make noncustodial parents aware of the importance of supporting their children financially and emotionally.

### **Staffing**

- 4.1 Describe how your organization will recruit and retain staff.
- 4.2 Describe the credentials you will require of each staff member.

- 4.3 Describe the process that will be utilized to ensure staff development is consistent with the program.
- 4.4 List, by title or work function, the key staff that will work on this project.
- 4.5 Describe the roles and responsibilities of the identified staff.
- 4.6 Describe how staffing patterns will support the regulation needed to provide varying levels of visitation.

**Experience and Resources**

- 5.1 Describe your organization's previous experience, if any, with the activities in this program area.
- 5.2 If your organization has not had previous experience with the activities in this area, please describe the training efforts that will be implemented to ensure staff capability.
- 5.3 Describe the resources your organization intends to provide to support the project. Identify local share or in-kind services that may be part of your proposal.
- 5.4 Include a list of your agency's Board of Directors with names, addresses and phone numbers.
- 5.5 If you have developed or intend to develop an advisory committee, please so indicate a list of names and/or titles of the members.
- 5.6 Describe your organization's relationship with the local court system.
- 5.7 Describe your organization's relationship with the local district Child Support agency.
- 5.8 If you elect to charge fees for services provided, please include your fee schedule.