

**RFA # 1701230306**  
**Grants Gateway # DOH01-HCFTKC-2017**

**New York State Department of Health**  
**Office of Primary Care and Health Systems**  
**Management**  
**Request for Applications**

**Health Care Facility Transformation Program: Kings County**

*KEY DATES*

<b>Release Date:</b>	<b>March 9, 2017</b>
<b>Questions Due:</b>	<b>March 24, 2017</b>
<b>Questions, Answers and Updates Posted (on or about):</b>	<b>April 7, 2017</b>
<b>Applications Due:</b>	<b>May 5, 2017 by 4:00 PM EST</b>

**DOH Contact Name & Address:**

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## **I. Introduction**

The New York State Department of Health (DOH) and the Dormitory Authority of the State of New York (DASNY) announce the availability of capital grant funds under the Health Care Facility Transformation Program (HCFTP): Kings County, as established pursuant to Section 2825-a of the Public Health Law (PHL), to strengthen and protect continued access to health care services in communities within Kings County whose residents are experiencing significant levels of health care disparities and health care needs compared to other communities within Kings County.

A total of up to \$700 million is available under this Request for Applications (RFA) to one or more health care providers located in Kings County that include general hospitals, residential health care facilities, diagnostic and treatment centers, primary care providers, and home care providers, in support of projects that replace inefficient and outdated facilities as part of a merger, consolidation, acquisition or other corporate restructuring activity intended to create a financially sustainable system of care.

In order to inform the development of this RFA, during 2015 and 2016, DOH, in a manner consistent with its statutory role, determined that the communities of central and northeastern Brooklyn have needs consistent with the goals of HCFTP: Kings County with respect to health care disparities and health care needs. In addition, DOH determined that Brookdale Hospital Medical Center, Kingsbrook Jewish Medical Center, Interfaith Medical Center, Wyckoff Heights Medical Center and University Hospital of Brooklyn (collectively “the Hospitals”) currently provide essential health care services to the communities they serve.

In 2016, DOH commissioned Northwell Health to prepare a study (“the Study”) of healthcare services in central and northeastern Brooklyn with recommendations for how the Hospitals can be brought together to strengthen and protect continued community access to health services, and to identify specific capital and operational projects in support of these recommendations. DOH determined that these recommendations would be used to develop and issue the RFA for the HCFTP: Kings County.

DOH conducted community engagement meetings from April 2016 through July 2016 so that the Study could include consideration of the interests and perspectives of the local communities of central and northeastern Brooklyn and the Hospitals. The community engagement meetings were attended by residents, hospital employees, community based organizations and other local stakeholders.

Northwell Health submitted the Study to the Commissioner of Health in November 2016, titled “The Brooklyn Study: Reshaping the Future of Healthcare”. The final report is available online at <https://www.northwell.edu/about/our-organization/northwell-ventures/brooklyn-study>. The Commissioner of Health will use his discretion as authorized by Section 2825-a of the PHL to award grants for capital projects that are consistent with the recommendations for facility investments included in the Study.

In an effort to further ensure that the interests and perspectives of the local communities and the Hospitals in central and northeastern Brooklyn are considered, DOH and DASNY will conduct at least one public hearing in Kings County at least sixty days prior to making an

award for the HCFTP: Kings County.

To receive funding, Eligible Applicants must demonstrate how the proposed use of the grant is consistent with the recommendations for facility investments included in the Study for restructuring health care services in central and northeastern Brooklyn, including recommendations that projects align with a holistic vision of health care which addresses social determinants of health through the integration and coordination of the services of a new health care system with programs that provide access to affordable and supportive housing, healthy food, exercise in a safe and supportive environment, and/or other programs that enhance a state of wellness in the community.

Applications received under this RFA will be reviewed in accordance with the provisions of PHL Section 2825-a and this RFA.

***Applicants are hereby advised that, in accordance with Public Health Law Section 2825-a and Chapter 55 of the Laws of 2016, awards made under this RFA are determined on a non-competitive basis. Grant funding will be awarded at the discretion of the Commissioner of Health for purposes described in this RFA. Without limitation to this authorization, the Commissioner of Health may consult with the President of DASNY and his designees, DOH professional staff, and any other internal or external experts or local health care constituents as appropriate from time to time, at any time during the evaluation of applications received pursuant to this RFA. The decision to award, or not to award, or to award a grant at a funding level that is less than the amount requested by the applicant, is discretionary.***

***As these awards are discretionary, the Commissioner of Health will not reevaluate the decision at the request of any applicant and the decision of the Commissioner of Health should be considered final. As such, applicants are advised to put their best efforts in thoroughly completing and fulfilling all the requirements of the RFA. While the award is discretionary, the criteria listed in PHL Section 2825-a and additional criteria set forth in this RFA will be utilized to inform the determination by the Commissioner of Health.***

***The decision to fund or not to fund an application will be communicated by letter. Based on the number of applicants, DOH shall have the sole discretion of whether or not to provide an opportunity for non-successful applicants to request a debriefing to be conducted after the announcement of awards. Comparisons with other grant applications will not be made during a debriefing.***

***DOH's determination of applicable terms and conditions of award or a denial of a request to change the terms and conditions is discretionary and not subject to reconsideration.***

## II. Who May Apply

Each “Eligible Applicant” must meet all of the following criteria at the time of application to be considered for grant funding under this RFA:

- (a) Be a legally existing organization and capable of entering into a binding Master Grant Contract (MGC) with DOH;
- (b) Be one of the following types of health care providers located in Kings County:
  - General Hospitals licensed under Article 28 of the PHL;
  - Residential health care facilities licensed under Article 28 of the PHL;
  - Diagnostic and treatment centers certified or licensed under Article 28 of the PHL;
  - Primary care providers;
  - Home care providers certified or licensed under Article 36 of the PHL;
- (c) Serve communities whose residents are experiencing significant levels of health care disparities and health care needs compared to other communities within Kings County. The communities of central and northeastern Brooklyn meet these requirements as evidenced by:
  - a high number of Medicaid enrollees and uninsured individuals;
  - elevated blood lead level rates among children, high rates of diabetes, high blood pressure, asthma, obesity, infant death or premature birth, heart failure, behavioral health conditions, and substance abuse;
  - low levels of income, high rates of unemployment, distressed housing conditions, and poor nutritional status;
  - other risk factors as determined by DOH and DASNY;
- (d) Shall have unsustainable operations as indicated by:
  - a loss from operations for each of the three consecutive preceding years as evidenced by audited financial statements;
  - a negative fund balance or negative equity position in each of the three preceding years as evidenced by audited financial statements; and
  - a current ratio of less than 1:1 for each of the three consecutive preceding years;or, alternatively,
  - be deemed to be a provider that fulfills or will fulfill an unmet health care need for acute inpatient, outpatient, primary or residential health care services in the community.

### III. Project Narrative/Work Plan Outcomes

#### A. Eligible Projects

An “Eligible Project” is a capital project of one or more Eligible Applicants that includes Eligible Expenses (as defined herein). A project cannot be funded under both this RFA and the Capital Restructuring Financing Program (“CRFP”) RFA (#15-04100252).

#### B. Evaluation Criteria

In determining awards for Eligible Projects, the Commissioner of Health shall consider the following criteria:

- i. The extent to which the Eligible Project contributes to the long term sustainability of the Eligible Applicant or preservation of essential health services in the community or communities served by the Eligible Applicant.
- ii. The extent to which the Eligible Project or purpose is aligned with DSRIP program goals and objectives.
- iii. The relationship between the Eligible Project and identified community need.
- iv. The extent that the Eligible Project furthers the development of primary care and other outpatient services.
- v. The extent to which the Eligible Project benefits Medicaid enrollees and uninsured individuals.
- vi. The extent to which the Eligible Applicant has engaged the community affected by the proposed Project and the manner in which community engagement has shaped the Eligible Project.
- vii. The extent to which the Eligible Project addresses potential risk to patient safety and welfare.
- viii. The extent to which the Eligible Project is part of a comprehensive plan that benefits the greatest number of community members and Hospitals pursuant to Section II of this RFA, “Who May Apply.”
- ix. The extent to which the Eligible Project replaces inefficient and outdated facilities as part of a merger, consolidation, acquisition or other significant corporate restructuring activity intended to create a financially sustainable system of care.
- x. The extent to which the Eligible Project is consistent with the recommendations for facility investments included in the study submitted by Northwell Health to the New York State Department of Health titled “The Brooklyn Study: Reshaping the Future of Healthcare.”
- xi. With respect to ambulatory services and where practicable, the extent to which the Eligible Project involves partnerships with community-based health care providers and supports improvement or expansion of the facilities of such community-based providers, provided that such projects are aligned with the overall restructuring activities recommended in the Northwell Health Study.

### C. Eligible and Excluded Expenses and Disallowed Costs

Expenditures eligible for funding under this solicitation (“Eligible Expenses”) include, but are not limited to:

- The planning or design of the acquisition, construction, demolition, replacement, major repair or renovation of a fixed asset or assets, including the preparation and review of plans and specifications including engineering and other services;
- Construction costs;
- Renovation costs;
- Asset acquisitions;
- Equipment costs, including capital costs for health information technology; and
- Consultant fees and other expenditures associated with the preparation of Certificate of Need (CON) applications required for the proposed establishment action, construction activity or service expansion (so long as the costs are incurred in connection with original construction and not an ownership transfer).

Eligible Expenses must also be “capital non-operational works or purposes”, as determined by DOH, DASNY and tax and bond counsel. It is anticipated that all grants awarded pursuant to this program will be funded solely from proceeds of State-supported bonds as authorized pursuant to Section 1680-r of the Public Authorities Law (“Health Care Facility Transformation Program Bonds”). The Health Care Facility Transformation Program Bonds will constitute “state-supported debt” for purposes of the State Finance Law. The State Finance Law provides that state-supported debt may only be incurred for a “capital work or purpose” which is defined to mean any project involving:

- The acquisition, construction, demolition, or replacement of a fixed asset or assets;
- The major repair or renovation of a fixed asset or assets which materially extends their useful life or materially improves or increases capacity; or
- The planning or design of the acquisition, construction, demolition, replacement, major repair or renovation of a fixed asset or assets, including the preparation and review of plans and specifications including engineering and other services, field surveys and sub-surface investigations incidental thereto and directly related to the Health Care Facility Transformation Program Eligible Project.

Therefore, only those expenditures of a Project that constitute a “capital work or purpose,” as defined above, will be eligible to be funded with a grant. If the Health Care Facility Transformation Program Bonds are issued on a tax-exempt basis, the use of grant funds must also comply with applicable Federal tax law.

Excluded Expenses include, but are not limited to:

- Personnel costs, including personnel costs of the Eligible Applicant;
- Supplies and non-capital equipment;
- Utilities;
- General operating costs;
- Working capital, including pay down of liabilities;

- Loans, including loans into an investment account in connection with a tax credit structure, and other debt obligations, including annual debt service and/or debt retirement;
- Acquisition of any item with a useful life of less than three years;
- Routine training and maintenance costs related to implementation of health information technology; and
- Lease payments.

Eligible Applicants may subcontract components of the scope of work (sub-projects). Eligible Applicants that plan to subcontract are expected to describe the specific components of the scope of work to be performed through subcontracts (the sub-projects), and to identify the subcontracting entities in the application. Applicants should note that the Eligible Applicant, if awarded a grant under this RFA, will have overall responsibility for all contract activities, including those performed by subcontractors, and will be the primary contact for the DOH. All subcontractors must be approved by the DOH.

Eligible Applicants must include a description and justification for all expenditures included in the Project Budget as well as a discussion of how the expenditures relate to the Eligible Project. Disallowed costs include expenditures identified in the Eligible Project Budget that are Excluded Expenses or are not sufficiently described and/or justified in type or amount by the Eligible Applicant or are considered to be unrelated to the proposed Eligible Project. It is understood that design plans and specifications are unlikely to be available at this stage of Project development. However, an Eligible Applicant should be able to describe the project elements and their anticipated costs in sufficient detail for the reviewer to make a judgment on the reasonableness of the anticipated costs and how the Eligible Applicant estimated those costs. Disallowed costs will be excluded from the amount considered as the grant request.

## **IV. Administrative Requirements**

### **A. Issuing Agency**

This RFA is issued by the New York State Department of Health, pursuant to PHL Section 2825-a. DOH is responsible for the requirements specified herein and for the evaluation of all applications, and HCFTP grants will be awarded by the Commissioner of Health.

### **B. Question and Answer Phase**

All substantive questions must be submitted in writing or via email to:

Joan Cleary Miron, MPH  
Director, Health Care Facility Transformation Program:  
Kings County Implementation Team  
New York State Department of Health  
Office of Primary Care and Health Systems Management  
1805 Corning Tower  
Albany, NY 12237  
e-mail: [kingscounty@health.ny.gov](mailto:kingscounty@health.ny.gov)

To the degree possible, each inquiry should cite the RFA section and paragraph to which it

refers. Written questions will be accepted until the date posted on the cover of this RFA. This includes Minority and Women Owned Business Enterprise (MWBE) questions and questions pertaining to the MWBE forms.

Questions of a technical nature can be addressed via e-mail to: [kingscounty@health.ny.gov](mailto:kingscounty@health.ny.gov). **Questions are of a technical nature if they are limited to how to prepare your application (e.g., formatting) rather than relating to the substance of the application.**

Some helpful resources for questions of a technical nature are below. Questions regarding specific opportunities or applications should be directed to the DOH contact listed on the cover of this RFA.

- <http://grantsreform.ny.gov/grantees>
- Grants Reform Videos (includes a document vault tutorial and an application tutorial) on YouTube: <http://www.youtube.com/channel/UCYnWskVc7B3ajjOVfOHL6UA>  
<https://grantsgateway.ny.gov>
- Grants Reform Team Email: [Grantsreform@its.ny.gov](mailto:Grantsreform@its.ny.gov)  
Phone: 518-474-5595  
Hours: Monday thru Friday 8am to 4:30pm  
(Application Completion, Policy, and Registration questions)
- Agate Technical Support Help Desk  
Phone: 1-800-820-1890  
Hours: Monday thru Friday 8am to 8pm  
Email: [helpdesk@agatesoftware.com](mailto:helpdesk@agatesoftware.com)  
(Technical questions)

Prospective applicants should note that all clarifications and exceptions, including those relating to the terms and conditions of the contract, are to be raised prior to the submission of an application.

This RFA has been posted on the NYS Grants Gateway website at: [https://grantsgateway.ny.gov/IntelliGrants\\_NYSGG/module/nysgg/goportal.aspx](https://grantsgateway.ny.gov/IntelliGrants_NYSGG/module/nysgg/goportal.aspx) and a link provided on the DOH's public website at: <http://www.health.ny.gov/funding/>. Questions and answers, as well as any updates and/or modifications, will also be posted on these websites. All such updates will be posted by the date identified on the cover of this RFA.

### **C. How to file an application**

Applications must be submitted online via the Grants Gateway by the date and time posted on the cover of this RFA. Reference materials and videos are available for Grantees applying to funding opportunities on the NYS Grants Gateway. Please visit the Grants Reform website at the following web address: <http://grantsreform.ny.gov/Grantees> and select the “Grantee Quick Start Guide Applications” from the menu on the left. There is also a more detailed “Grantee User Guide” available on this page as well. Training webinars are also provided by the Grants Reform Team. Dates and times for webinar instruction can be located at the following web address: <http://grantsreform.ny.gov/training-calendar>.

To apply for this opportunity:

1. Log into the Grants Gateway as either a “Grantee” or “Grantee Contract Signatory”.
2. Click on the “View Opportunities” button under “View Available Opportunities”.
3. In the Search Criteria, enter the Grant Opportunity name <INSERT NAME> and select the Department of Health as the Funding Agency.
4. Click on “Search” button to initiate the search.
5. Click on the name of the Grant Opportunity from the search results grid and then select the “APPLY FOR GRANT OPPORTUNITY” button located bottom left of the Main page of the Grant Opportunity.

Once the application is complete, prospective grantees are **strongly encouraged** to submit their applications at least 48 hours prior to the due date and time. This will allow sufficient opportunity for the applicant to obtain assistance and take corrective action should there be a technical issue with the submission process. Both DOH and Grants Reform staff are available to answer an applicant’s technical questions and provide technical assistance prior to the application due date and time. Contact information for the Grants Reform Team is available under Section IV. B. of this RFA.

**PLEASE NOTE:** Although DOH and the Grants Reform staff will do their best to address concerns that are identified less than 48 hours prior to the due date and time, there is no guarantee that they will be resolved in time for the application to be submitted and, therefore, considered for funding.

The Grants Gateway will always notify applicants of successful submission. If a prospective grantee does not get a successful submission message assigning their application a unique ID number, it has not successfully submitted an application. During the application process, please pay particular attention to the following:

- Not-for-profit applicants must be prequalified on the due date for this application submission. Be sure to maintain prequalification status between funding opportunities. Three of a not-for-profit organization’s essential financial documents - the IRS990, Financial Statement and Charities Bureau filing - expire on an annual basis. If these documents are allowed to expire, the not-for-profit organization’s prequalification status expires as well, and it will not be eligible for State grant funding until its documentation is updated and approved, and prequalified status is reinstated. Failure of an otherwise Eligible Applicant to comply with this requirement or be unable to comply with this requirement will constitute a failure to meet the criteria set forth in Section II above.
- Only individuals with the roles “Grantee Contract Signatory” or “Grantee System Administrator” can submit an application.
- Prior to submission, the system will automatically initiate a global error checking process to protect against incomplete applications. An applicant may need to attend to certain parts of the application prior to being able to submit the application successfully. Be sure to allow time after pressing the submit button to clean up any global errors that may arise. You can also run the global error check at any time in the application process. (see p.66 of the Grantee User Guide).

- Grantees should use numbers, letters and underscores when naming their uploaded files. There cannot be any special characters in the uploaded file name. Also be aware of the restriction on file size (10 MB) when uploading documents.

The following table will provide a snapshot of which roles are allowed to Initiate, Complete, and Submit the Grant Application(s) in the Grants Gateway.

Role	Create and Maintain User Roles	Initiate Application	Complete Application	Submit Application	Only View the Application
Delegated Admin	X				
Grantee		X	X		
Grantee Contract Signatory		X	X	X	
Grantee Payment Signatory		X	X		
Grantee System Administrator		X	X	X	
Grantee View Only					X

Late or incomplete applications will not be accepted. **Applications will not be accepted via fax, e-mail, hard copy or hand delivery.**

#### **D. Department of Health’s Reserved Rights**

The Department of Health reserves the right to:

1. Reject any or all applications received in response to this RFA.
2. Withdraw the RFA at any time, at the DOH’s sole discretion.
3. Award less than the total amount of funds available under this RFA and issue a subsequent RFA(s).
4. Make an award under the RFA in whole or in part.
5. Disqualify any applicant whose conduct and/or proposal fails to conform to the requirements of the RFA.
6. Seek clarifications and revisions of applications.
7. Use application information obtained through site visits, management interviews and the state’s investigation of an applicant’s qualifications, experience, ability or financial standing, and any material or information submitted by the applicant in response to the agency’s request for clarifying information in the course of evaluation and/or selection under the RFA.

8. Prior to application opening, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available.
9. Prior to application opening, direct applicants to submit proposal modifications addressing subsequent RFA amendments.
10. Change any of the scheduled dates.
11. Waive any requirements that are not material.
12. Award more than one contract resulting from this RFA.
13. Conduct contract negotiations with the next responsible Eligible Applicant, should the DOH be unsuccessful in negotiating with the selected Eligible Applicant.
14. Utilize any and all ideas submitted with the applications received.
15. Unless otherwise specified in the RFA, every offer is firm and not revocable for a period of 60 days from the bid opening.
16. Waive or modify minor irregularities in applications received after prior notification to the Eligible Applicant.
17. 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 offerer's application and/or to determine an offerer's compliance with the requirements of the RFA.
18. Negotiate with successful Eligible Applicants within the scope of the RFA in the best interests of the State, including modifications to projects subsequent to Grant Award.
19. Eliminate any mandatory, non-material specifications that cannot be complied with by all Eligible Applicants.

#### **E. Term of Contract**

It is anticipated that the term of MGCs under Health Care Facility Transformation Program: Kings County will begin on or about July 14, 2017, and run for a period of up to five years (consistent with the accepted construction schedule). Any MGC resulting from this RFA will be effective only upon approval by the New York State Office of the Comptroller.

The MGC will, in an addendum, require the Eligible Applicant to indemnify and hold harmless DASNY and the State of New York and their respective agents, members, officers, employees and directors from and against any and all liability for damage, cost or expense, including: (A) liability for injury or damage, cost or expense resulting from the use of the Project; and (B) if the Bonds are issued on a tax-exempt basis: any claim, action or investigation that: (a) results in the interest on the Bonds issued by DASNY being includable in gross income for federal income tax purposes; or (b) gives rise to an allegation by a federal

governmental agency or authority, which DASNY is required to defend or refute, that the interest on the Bonds is includable in gross income for federal income tax purposes.

Continued funding throughout this period is contingent upon availability of funding and state budget appropriations. DOH also reserves the right to revise the award amount as necessary due to changes in the availability of funding.

#### **F. Payment & Reporting Requirements of Grant Awardees**

1. In the sole discretion of the Commissioner of Health and in accordance with terms specified in the MGC, advances of up to 10 percent of the amount awarded may be authorized.
2. The grant contractor will be required to submit quarterly invoices and required reports of expenditures to the State's designated payment office (below) or, in the future, through the Grants Gateway:

Health Care Facility Transformation Capital Program:  
Kings County Implementation Team  
NYS Department of Health  
*1805 Corning Tower*  
*Albany, NY 12237*

Contractors must provide complete and accurate billing invoices in order to receive payment. Billing invoices submitted to the DOH must contain all information and supporting documentation required by the MGC, the DOH and the Office of the State Comptroller (OSC). Payment for invoices submitted by the CONTRACTOR shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with OSC's procedures and practices to authorize electronic payments. Authorization forms are available at OSC's website at: <http://www.osc.state.ny.us/epay/index.htm>, by email at: [epayments@osc.state.ny.us](mailto:epayments@osc.state.ny.us) or by telephone at 855-233-8363. CONTRACTOR acknowledges that it will not receive payment on any claims for reimbursement submitted under this contract if it does not comply with OSC's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

Payment of such claims for reimbursement by the State (NYS Department of Health) shall be made in accordance with the MGC and Article XI-A of the New York State Finance Law.

Payment terms will be: Contractor will be reimbursed in accordance with the terms of the MGC, for Eligible Expenses incurred and expensed as allowed in the Contract Budget and Work Plan each as defined in the MGC.

3. The Contractor will be required to submit the following quarterly reports on the status of the HCFTP project to the DOH at the address above and, in the future, through the Grants Gateway:

Such reports shall be submitted no later than 30 days after the close of the quarter, and shall be consistent with the provisions of the terms of the State of New York Master Contract for Grants. The reports shall include:

- Project Progress Schedule (updated at least quarterly);
- Project Budget (updated at least quarterly);
- Progress made toward HCFTP objectives;
- A summary of public engagement and public comments received; and
- Such other information as may be requested by DOH regarding the Project.

All payment and reporting requirements will be detailed in Attachment D of the final NYS Master Grant Contract.

Failure to comply with all payment and reporting requirements can be cause for termination of the MGC.

### **G. Minority & Woman-Owned Business Enterprise Requirements**

Pursuant to New York State Executive Law Article 15-A, as amended, the New York State Department of Health recognizes its obligation to promote opportunities for maximum feasible participation of certified minority- and women-owned business enterprises and the employment of minority group members and women in the performance of DOH contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority- and women-owned business enterprises in state procurement contracting versus the number of minority- and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that DOH establish goals for maximum feasible participation of New York State Certified minority- and women-owned business enterprises ("MWBE") and the employment of minority groups members and women in the performance of New York State contracts.

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

For purposes of this solicitation, the New York State Department of Health hereby establishes a goal of 30% as follows:

- 1) For Not-for Profit Applicants: Eligible Expenditures include any subcontracted labor or services, equipment, materials, or any combined purchase of the foregoing under a contract awarded from this solicitation.

- 2) For-Profit and Municipality Applicants: Eligible Expenditures include the value of the budget in total.

The goal on the eligible portion of this contract will be 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs and outreach efforts to certified MWBE firms). A contractor (“Contractor”) on the subject contract (“Contract”) must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and Contractor agrees that DOH may withhold payment pending receipt of the required MWBE documentation. For guidance on how DOH will determine “good faith efforts,” refer to 5 NYCRR §142.8.

The directory of New York State Certified MWBEs can be viewed at: <https://ny.newnycontracts.com>. The directory is found in the upper right hand side of the webpage under “Search for Certified Firms” and accessed by clicking on the link entitled “MWBE Directory”. Engaging with firms found in the directory with like product(s) and/or service(s) is strongly encouraged and all communication efforts and responses should be well documented.

By submitting an application, a grantee agrees to complete a MWBE Utilization plan as directed in **Attachment 5** of this RFA. DOH will review the submitted MWBE Utilization Plan. If the plan is not accepted, DOH may issue a notice of deficiency. If a notice of deficiency is issued, Grantee agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt. DOH may disqualify a Grantee as being non-responsive under the following circumstances:

- a) If a Grantee fails to submit a MWBE Utilization Plan;
- b) If a Grantee fails to submit a written remedy to a notice of deficiency;
- c) If a Grantee fails to submit a request for waiver (if applicable); or
- d) If DOH determines that the Grantee has failed to document good-faith efforts to meet the established DOH MWBE participation goals for the procurement.

In addition, successful awardees will be required to certify they have an acceptable Equal Employment Opportunity policy statement.

## **H. Limits on Administrative Expenses and Executive Compensation**

On July 1, 2013, limitations on administrative expenses and executive compensation contained within Governor Cuomo’s Executive Order #38 and related regulations published by the DOH (Part 1002 to 10 NYCRR – Limits on Administrative Expenses and Executive Compensation) went into effect. Eligible Applicants agree that all state funds dispersed under this procurement will, if applicable to them, be bound by the terms, conditions, obligations and regulations promulgated by the DOH. To provide assistance with compliance regarding Executive Order #38 and the related regulations, please refer to the Executive Order #38 website at: <http://executiveorder38.ny.gov>.

## **I. Vendor Identification Number**

Effective January 1, 2012, in order to do business with New York State, you must have a

vendor identification number. As part of the Statewide Financial System (SFS), the Office of the State Comptroller's Bureau of State Expenditures has created a centralized vendor repository called the New York State Vendor File. In the event of an award and in order to initiate a contract with the New York State Department of Health, vendors must be registered in the New York State Vendor File and have a valid New York State Vendor ID.

If already enrolled in the Vendor File, please include the Vendor Identification number on the application cover sheet. If not enrolled, to request assignment of a Vendor Identification number, please submit a New York State Office of the State Comptroller Substitute Form W-9, which can be found on-line at:

[http://www.osc.state.ny.us/vendor\\_management/issues\\_guidance.htm](http://www.osc.state.ny.us/vendor_management/issues_guidance.htm).

Additional information concerning the New York State Vendor File can be obtained on-line at: [http://www.osc.state.ny.us/vendor\\_management/index.htm](http://www.osc.state.ny.us/vendor_management/index.htm), by contacting the SFS Help Desk at 855-233-8363 or by emailing at [helpdesk@sfs.ny.gov](mailto:helpdesk@sfs.ny.gov).

## **J. Vendor Responsibility Questionnaire**

The New York State Department of Health strongly encourages 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 available at [http://www.osc.state.ny.us/vendrep/vendor\\_index.htm](http://www.osc.state.ny.us/vendrep/vendor_index.htm) or go directly to the VendRep system online at <https://portal.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 Help Desk at 866-370-4672 or 518-408-4672 or by email at [ciohelpdesk@osc.state.ny.us](mailto:ciohelpdesk@osc.state.ny.us).

Applicants should complete and submit the Vendor Responsibility Attestation (Attachment 6).

## **K. Vendor Prequalification for Not-for-Profits**

All not-for-profit vendors subject to prequalification are required to prequalify prior to grant application and execution of contracts.

Pursuant to the New York State Division of Budget Bulletin H-1032, dated June 7, 2013, New York State has instituted key reform initiatives to the grant contract process which requires not-for-profits to register in the Grants Gateway and complete the Vendor Prequalification process in order for applications to be evaluated. Information on these initiatives can be found on the [Grants Reform Website](#).

**Applications received from not-for-profit applicants that have not Registered and are not Prequalified in the Grants Gateway on the application due date listed on the cover of this RFA cannot be evaluated. Such applications will be disqualified from further consideration.**

Below is a summary of the steps that must be completed to meet registration and prequalification requirements. The [Vendor Prequalification Manual](#) on the Grants Reform

Website details the requirements and an [online tutorial](#) are available to walk users through the process.

### 1) Register for the Grants Gateway

- On the Grants Reform Website, download a copy of the [Registration Form for Administrator](#). A signed, notarized original form must be sent to the Division of Budget at the address provided in the instructions. You will be provided with a Username and Password allowing you to access the Grants Gateway.

If you have previously registered and do not know your Username, please email [grantsreform@its.ny.gov](mailto:grantsreform@its.ny.gov). If you do not know your Password, please click the [Forgot Password](#) link from the main log in page and follow the prompts.

### 2) Complete your Prequalification Application

- Log in to the [Grants Gateway](#). **If this is your first time logging in**, you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click SAVE.
- Click the *Organization(s)* link at the top of the page and complete the required fields including selecting the State agency you have the most grants with. This page should be completed in its entirety before you SAVE. A *Document Vault* link will become available near the top of the page. Click this link to access the main Document Vault page.
- Answer the questions in the *Required Forms* and upload *Required Documents*. This constitutes your Prequalification Application. Optional Documents are not required unless specified in this Request for Application.
- Specific questions about the prequalification process should be referred to your agency representative or to the Grants Reform Team at [grantsreform@its.ny.gov](mailto:grantsreform@its.ny.gov).

### 3) Submit Your Prequalification Application

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

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

## **L. General Specifications**

1. By submitting the "Application Form" each Eligible Applicant attests to its express authority to sign on behalf of the applicant.
2. Contractors will possess, at no cost to the State, all qualifications, licenses and permits to engage in the required business as may be required within the jurisdiction where the work specified is to be performed. Workers to be employed in the performance of this contract will possess the qualifications, training, licenses and permits as may be required within such jurisdiction.
3. Submission of an application indicates each Eligible Applicant's acceptance of all conditions and terms contained in this RFA, including the terms and conditions of the contract. Any exceptions allowed by the DOH during the Question and Answer Phase (Section IV.B.) must be clearly noted in a cover letter attached to the application.
4. An Eligible Applicant may be disqualified from receiving awards if such applicant or any subsidiary, affiliate, partner, officer, agent or principal thereof, or anyone in its employ, has previously failed to perform satisfactorily in connection with public bidding or contracts.
5. Provisions Upon Default
  - a. The services to be performed by the Eligible Applicant shall be at all times subject to the direction and control of the DOH as to all matters arising in connection with or relating to the contract resulting from this RFA.
  - b. In the event that the Eligible Applicant, through any cause, fails to perform any of the terms, covenants or promises of any contract resulting from this RFA, the DOH acting for and on behalf of the State, shall thereupon have the right to terminate the contract by giving notice in writing of the fact and date of such termination to the Eligible Applicant.
  - c. If, in the judgment of the DOH, the Eligible Applicant awarded a grant under this RFA acts in such a way which is likely to or does impair or prejudice the interests of the State, the DOH acting on behalf of the State, shall thereupon have the right to terminate any contract resulting from this RFA by giving notice in writing of the fact and date of such termination to the Contractor. In such case the Contractor shall receive equitable compensation for such services as shall, in the judgment of the State Comptroller, have been satisfactorily performed by the Contractor up to the date of the termination of this agreement, which such compensation shall not exceed the total cost incurred for the work which the Contractor was engaged in at the time of such termination, subject to audit by the State Comptroller.

## **V. Completing the Application**

### **A. Application Format/Content**

Please refer to the Quick Start Guide for assistance in applying for this procurement through

the NYS Grants Gateway. This guide is available on the Grants Reform website at: [www.grantsreform.ny.gov/Grantees](http://www.grantsreform.ny.gov/Grantees).

## 1. Technical Proposal

### 1. Executive Summary:

Briefly describe how the Eligible Project is consistent with the recommendations for overall restructuring activities, facility investments and financial sustainability included in the study submitted by Northwell Health to the New York State Department of Health titled “The Brooklyn Study: Reshaping the Future of Healthcare.”

### 2. Organizational Capacity:

- a. Provide basic organizational information including a description of your organization, its mission and services provided. This should also include information such as the Eligible Applicant’s exact corporate name, board composition, ownership and affiliations, and staffing;
- b. Provide documentation and/or explanation as to how the Eligible Applicant meets the criteria in section II(b) of this RFA;
- c. Provide a description of the steps taken by the Eligible Applicant to prepare for this Eligible Project;
- d. Describe any contractors and/or subcontractors and their relationship to the Eligible Project and the Eligible Applicant; and
- e. Provide information on any key consultants or advisors the Eligible Applicant will contract with to facilitate the development and implementation of the Eligible Project.

### 3. Assessment of Community Need:

- a. Describe the needs of the residents that would benefit from the project and how they are experiencing significant levels of health care disparities and health care needs compared to other communities within Kings County. This should be based on documented information, such as health status indicators, demographics, insurance status of the population, and data on service volume, occupancy, and discharges by existing providers;
- b. Identify what services are needed to address the disparities, service needs, and health status of the community being served. Include a discussion of adequacy of service capacity in the community, including data on service volume, occupancy, and discharges by existing providers. Eligible Applicants should provide thorough, concise information that demonstrates a comprehensive understanding of the unmet health care needs of the communities; and
- c. Describe the relationship between the Eligible Project and identified community need.

### 4. Program Summary:

- a. Describe:
  - i. Steps to be taken to create a financially sustainable system of care through a partnership or other relationship between the Eligible Applicant and a separate hospital(s) or hospital system(s), residential health care facilities, diagnostic

- and treatment centers, primary care providers or home care providers, as applicable.
- ii. Steps to be taken to ensure the Eligible Project is consistent with the recommendations for overall restructuring activities and facility investments included in the Northwell Health Study, including recommendations that projects align with a holistic vision of health care which addresses social determinants of health through the integration and coordination of the services of the new health care system with programs that provide access to affordable and supportive housing, healthy food, exercise in a safe and supportive environment; and/or other programs that enhance a state of wellness in the community.
  - iii. With respect to ambulatory services and, where practicable, steps to be taken to partner with community-based health care providers and support improvement or expansion of the facilities of such community-based providers, provided that such projects are aligned with the overall restructuring activities recommended in the Northwell Health Study.
  - iv. The nature of the relationship, if any, between the Eligible Applicant and the Partner(s).
  - v. Steps to be taken to engage the community affected by the Eligible Project and the manner in which community engagement has shaped the Eligible Project.
- b. Provide a general description of the Eligible Project, and any sub-projects, and how it will achieve the goal of strengthening and protecting continued access to health care services in Kings County. Include sufficient detail on the programs/services to be offered and the space requirements for these programs/services (e.g. number of beds by service, square footage if available, and number of site locations contemplated.)
- c. Specifically address the following objectives of the Eligible Project and describe the extent to which the Eligible Applicant will achieve the following objectives:
- i. Contribute to the long term financial sustainability of the Eligible Applicant or preserve essential health services in the community or communities served by the Eligible Applicant.
  - ii. Be aligned with Delivery System Reform Incentive Payment (DSRIP) program goals and objectives.
  - iii. Further develop primary care and other outpatient services to meet community need.
  - iv. Benefit Medicaid enrollees and uninsured individuals.
  - v. Address potential risk to patient safety and welfare.
  - vi. Replace inefficient and outdated facilities as part of a merger, consolidation, acquisition or other significant corporate restructuring activity intended to create a financially sustainable system of care.

Wherever possible, the objectives should be quantified and be verifiable through measurable indicators.

- d. Describe health care delivery in the Eligible Applicant's defined geographic region after completion of the Eligible Project, how it will change, and how the completion of the Eligible Project will contribute to the change.

5. Project Timeline:

- a. Upload a timeline for the Eligible Project up through the date of implementation, including identification of major milestones and the person or entity accountable for each milestone.
- b. Describe the phasing plan anticipated to achieve implementation. This phasing plan must identify specific milestones and dates of completion for each milestone. The application and phasing plan must also address:
  - i. Timeframes for any architectural and engineering design and construction necessary to accomplish each phase.
  - ii. Scheduled milestones for the preparation and processing of any application, as required by CON regulations (10 NYCRR Part 710), necessary to secure DOH approval for service revisions, relocations, or capital construction that rises to the level of CON review.

6. Project Monitoring Plan:

- a. Describe the methodology that will be used to track progress within the Eligible Project, including any quality assurance testing that will be performed.
- b. Describe how the monitoring plan will include identification of barriers and strategies to resolve issues.

7. Continuation:

- a. Describe how the services and activities established or enhanced by the Eligible Project will continue after its completion.

**2. Financial Proposal (this section to be completed using Attachment 2, Attachment 3 and completion of the Capital-based Budget template in the Grants Gateway)**

1. Financial Summary

This part of the Budget Summary must briefly describe:

- a. The financial aspects of the overall Eligible Project including a narrative description of the following:
  - i. The Eligible Project fund sources and uses including how much funding is being requested under this RFA Project;
  - ii. The expenditures in the budget(s) and narrative detail as to any assumptions used in estimating such budget expenditures; and
  - iii. The financial impact of the Eligible Project on the Eligible Applicant and its subcontractors including narrative detailing any balance sheet impact and any assumptions used in projecting the incremental revenues and Eligible Expenses associated with the Eligible Project and their impact on the Eligible Applicant.
- b. How the Eligible Project meets stated Health Care Transformation Program: Kings County goals as it relates to the financial summary section of the application.

## 2. Project Budget

- a. Complete the Capital Budget in the Grants Gateway. Complete Attachment 3: Projected Financial Information, Tab 1 Use of Funds, providing a Budget for the Eligible Project that includes all components of the application, including those that will be funded with sources other than Health Care Transformation Program: Kings County grant funds, if any. Show the amount of each budget line that will be funded with Health Care Transformation Program: Kings County grant funds. Only applications that request grant funding for Eligible Expenses (as defined in Section III.C. of the RFA) will be funded.
- b. Provide a detailed discussion of the reasonableness of each budgeted item including any standard or benchmark used to determine the expenditure, if available. These budget justifications should be specific enough to show what the Eligible Applicant means by each line item and how the line item supports the overall Eligible Project.
- c. Describe how the Eligible Project will address negative assets, debt and operating liabilities, if applicable.

## 3. Project Fund Sources

- a. Using Attachment 3: Projected Financial Information, Tab 2 Project Fund Sources, identify and describe all other sources of funding, including cash, borrowed financing, or other funding from non-New York State governmental sources, for the Eligible Project, and evidence of the commitment of these funding sources. A commitment that is contingent upon receipt of the Grant is acceptable.

## 4. Cost Effectiveness

- a. Describe why the Eligible Project is a cost-effective investment as compared to other alternatives.
- b. Describe and quantify to the extent possible how the Eligible Project will result in savings to the health care system relative to the Eligible Project costs and quantify the proposed value or return on the state grant investment in the Eligible Project relative to the Project costs. Include a discussion of all means by which projected savings can be verified after the project is complete.

## 5. Project Impact on Eligible Applicant Financial Viability

- a. Explain how the Eligible Project will support and/or improve the Eligible Applicant's financial viability upon completion.
- b. Provide financial feasibility projections for financing the debt service or mortgage payments on any non-State governmental bonds or loans associated with the Eligible Project.
- c. Include supporting documents such as projected balance sheets, income statements, cash flows, etc. from the project start through three years after project completion.

Financial Projections should provide detailed revenue and expense assumptions. The revenue assumptions should include, but are not limited to, impacts of Value Based Payment arrangements, transition to Managed Care, and/or any impact related to the Delivery System Reform Incentive Payment (DSRIP) Program. The expense assumptions should include, but are not limited to, incremental operating costs or savings associated with the Eligible Project including labor/staffing and non-labor costs or savings.

## 6. Eligible Applicant Financial Stability

- a. Discuss the financial stability of the Eligible Applicant. Upload a copy of the prior three annual audited financial statements of the Eligible Applicant. Entities whose financial statements have not been subjected to an audit must include any additional information available to satisfy this test and appropriate certifications.

## **B. Freedom of Information Law**

All applications may be disclosed or used by DOH to the extent permitted by law. DOH may disclose an application to any person for the purpose of assisting in evaluating the application or for any other lawful purpose. All applications will become State agency records, which will be available to the public in accordance with the Freedom of Information Law. **Any portion of the application that an applicant believes constitutes proprietary information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the application. No such designation or claim is binding on DOH and DOH reserves all of its rights with respect thereto.** If DOH agrees with the proprietary claim, the designated portion of the application will be withheld from public disclosure. Blanket assertions of proprietary material will not be accepted, and failure to specifically designate proprietary material may be deemed a waiver of any right to confidential handling of such material.

## **C. Review & Award Process**

### **Pass/Fail Requirements**

1. DOH staff will undertake an initial pass/fail screening of Grant Applications for all the following requirements:
  - Application was submitted by the deadline set forth in the RFA;
  - Applicant was prequalified in the Grants Gateway on the date of the application, if not exempt; and
  - Project has not been awarded funds under RFA #15-04100252 Capital Restructuring Financing Program.
2. A list of applications proposed to be eliminated in Stage 1 due to late submission or failure to register or pre-qualify in Grants Gateway shall be compiled and reviewed by DOH for determination of whether a disqualification or clarification letter should be sent to the applicant.

### **Review Process**

Applications passing the Pass/Fail requirements will be evaluated as follows:

Stage 1: Each application will be reviewed for completeness. Applications missing material elements may be eliminated from further review. Eligible Applicants may be contacted by the DOH if additional information is needed.

An initial judgment shall be made on whether the application includes an Eligible Applicant and Eligible Expenses (including but not limited to “capital non-operation works or purposes”).

Stage 2: DASNY will undertake a review of all Grant Applications identified by DOH and determine whether the Grant Application contains a request for a Grant to fund Eligible Expenses in connection with a capital work or purpose which may properly be reimbursed from Bond Proceeds under the Act and this RFA.

Moreover, Eligible Applicants are advised that Eligible Projects which include utilization of space improved with the proceeds of tax-exempt bonds require consultation by the Eligible Applicant with the issuer of those bonds, who will also consult with applicable tax and bond counsel to ensure compliance with applicable limitations on use of such space pursuant to Federal tax law.

Stage 3: Applications passing Stage 1, shall simultaneously be forwarded for technical and financial review.

The final eligibility determination, and Technical and Financial reviews, will be conducted by a team of DOH staff (“Review Team”). Technical Proposal and Budget Summary reviews may be based on or supported by summaries and other factual analysis performed by other DOH staff, or in consultation with other internal or external sources.

The Technical Proposal review will evaluate the following components:

1. The extent to which the Eligible Project meets the requirements outlined in RFA;
2. Ability of the Eligible Applicant to complete the Eligible Project; and
3. Viability of the Eligible Project or the likelihood of its success.

The Budget Summary application review will evaluate the following components:

1. Overall cost;
2. Reasonableness of the Eligible Project's budget;
3. Impact of the Eligible Project on the financial viability of the Eligible Applicant; and
4. The extent to which the application meets the requirements outlined in the RFA.

### **Public Hearing**

At least one public hearing will be conducted in Kings County at least 60 days prior to making an award pursuant to the RFA.

### **Grant Award**

The DOH Review Team will make an award recommendation to the Commissioner of Health based on an evaluation of the technical and financial proposals and consideration of any information obtained by the DOH review team from other sources. The final award will be determined by the Commissioner based upon:

- An evaluation of the scope of work presented;
- The degree to which the Eligible Project meets the goals and priorities of the HCFTP: Kings County and the objectives and requirements of the RFA;
- The appropriateness of Eligible Expenses of the Eligible Project; and
- The amount necessary to achieve the goals of the Eligible Applicant's overall transformation plan.

All projects to be funded with the grant proceeds must be approved by the Public Authorities Control Board.

*Applicants are hereby advised that, in accordance with Public Health Law Section 2825-a and Chapter 55 of the Laws of 2016, awards made under this RFA are determined on a non-competitive basis. Grant funding will be awarded at the discretion of the Commissioner of Health for purposes described in this RFA. Without limitation to this authorization, the Commissioner of Health may consult with the President of DASNY and his designees, DOH professional staff, and any other internal or external experts or local health care constituents as appropriate from time to time, at any time during the evaluation of applications received pursuant to this RFA. The decision to award, or not to award, or to award a grant at a funding level that is less than the amount requested by the applicant, is discretionary.*

*As these awards are discretionary, the Commissioner of Health will not reevaluate the decision at the request of any applicant and the decision of the Commissioner of Health should be considered final. As such, applicants are advised to put their best efforts in thoroughly completing and fulfilling all the requirements of the RFA. While the award is discretionary, the criteria listed in PHL Section 2825-a and additional criteria set forth in this RFA will be utilized to inform the determination by the Commissioner of Health.*

*The decision to fund or not to fund an application will be communicated by letter. Based on the number of applicants, DOH shall have the sole discretion of whether or not to provide an opportunity for non-successful applicants to request a debriefing to be conducted after the announcement of awards. Comparisons with other grant applications will not be made during a debriefing.*

*DOH's determination of applicable terms and conditions of award or a denial of a request to change the terms and conditions is discretionary and not subject to reconsideration.*

## **VI. Attachments**

Please note that certain attachments can be accessed in the “Pre-Submission Uploads” section of an online application. In order to access the online application and other required documents such as the attachments, prospective applicants must be registered and logged into the NYS Grants Gateway in the user role of either a “Grantee” or a “Grantee Contract Signatory”.

- Attachment 1: Application Cover Page and Checklist\*
- Attachment 2: Financial Proposal Requirements\*
- Attachment 3: Projected Financial Information\*
- Attachment 4: Minority & Women-Owned Business Enterprise Requirement Forms for Not-for-Profits\*
- Attachment 5: Minority & Women-Owned Business Enterprise Requirement Forms for For Profits\*
- Attachment 6: Vendor Responsibility Attestation\*
- Attachment 7: Health Care Facility Transformation Program: Kings County statute (Section 2825-a of the PHL) and appropriation (Chapter 55 of the Laws of 2016 as reappropriated)

\*These attachments are located/included in the Pre Submission Upload section of the Grants Gateway on line application.

**Health Care Facility Transformation Program: Kings County  
Statute and Appropriation**

**PHL 2825-a**

§ 2825-a. Health care facility transformation program: Kings county project.

1. A Kings county health care facility transformation program is hereby established under the joint administration of the commissioner and the president of the dormitory authority of the state of New York for the purpose of strengthening and protecting continued access to health care services in communities. The program shall provide capital funding in support of projects that replace inefficient and outdated facilities as part of a merger, consolidation, acquisition or other significant corporate restructuring activity intended to create a financially sustainable system of care. The issuance of any bonds or notes hereunder shall be subject to the approval of the director of the division of the budget, and any projects funded through the issuance of bonds or notes hereunder shall be approved by the New York state public authorities control board, as required under section fifty-one of the public authorities law.
2. The commissioner and the president of the authority shall enter into an agreement, subject to approval by the director of the budget, and subject to section sixteen hundred eighty-r of the public authorities law, for the purposes of awarding, distributing, and administering the funds made available pursuant to this section. Such funds may be distributed by the commissioner and the president of the authority for capital grants to general hospitals, residential health care facilities, diagnostic and treatment centers, primary care providers, and home care providers, certified or licensed pursuant to article thirty-six of this chapter, for capital non-operational works or purposes that support the purposes set forth in this section. A copy of such agreement, and any amendments thereto, shall be provided to the chair of the senate finance committee, the chair of the assembly ways and means committee, and the director of the division of budget no later than thirty days prior to the release of a request for applications for funding under this program. Projects awarded under section twenty-eight hundred twenty-five of this article shall not be eligible for grants or awards made available under this section.
3. Notwithstanding section one hundred sixty-three of the state finance law or any inconsistent provision of law to the contrary, up to seven hundred million dollars of the funds appropriated for this program shall be awarded without a competitive bid or request for proposal process for capital grants to health care providers (hereafter "applicants") located in the county of Kings.
  - (a) Eligible applicants shall serve communities whose residents are experiencing significant levels of health care disparities and health care needs compared to other communities within the county of Kings as evidenced by:
    - (i) a high number of Medicaid enrollees and uninsured individuals;

- (ii) elevated blood lead level rates among children, high rates of diabetes, high blood pressure, asthma, obesity, infant death or premature birth, heart failure, behavioral health conditions, substance abuse;
  - (iii) low levels of income, high rates of unemployment, distressed housing conditions, and poor nutritional status;
  - (iv) other risk factors as determined by the commissioner and the president of the authority; and
- (b) Such eligible applicant shall:
- (i) (A) have a loss from operations for each of the three consecutive preceding years as evidenced by audited financial statements; (B) have a negative fund balance or negative equity position in each of the three preceding years as evidenced by audited financial statements; and (C) have a current ratio of less than 1:1 for each of three consecutive preceding years; or
  - (ii) be deemed by the commissioner and president of the authority to be a provider that fulfills or will fulfill an unmet health care need for acute inpatient, outpatient, primary or residential health care services in a community.
4. In determining awards for eligible applicants under this section, the commissioner and the president of the authority shall consider criteria including, but not limited to:
- (a) the extent to which the proposed capital project will contribute to the long term sustainability of the applicant or preservation of essential health services in the community or communities served by the applicant;
  - (b) the extent to which the proposed project or purpose is aligned with delivery system reform incentive payment ("DSRIP") program goals and objectives;
  - (c) the relationship between the proposed capital project and identified community need;
  - (d) the extent that the proposed capital project furthers the development of primary care and other outpatient services;
  - (e) the extent to which the proposed capital project benefits Medicaid enrollees and uninsured individuals;
  - (f) the extent to which the applicant has engaged the community affected by the proposed capital project and the manner in which community engagement has shaped such capital project; and
  - (g) the extent to which the proposed capital project addresses potential risk to patient safety and welfare.
5. The department shall provide a report on a quarterly basis to the chairs of the senate finance, assembly ways and means, senate health and assembly health committees. Such reports shall be submitted no later than sixty days after the close of the quarter, and shall conform to the reporting requirements of subdivision twenty of section twenty-eight hundred seven of this article, as applicable.

**Chapter 55/2016 - CAPITAL PROJECTS - REAPPROPRIATIONS 2016-17**

Capital Projects Funds - Other  
Capital Projects Fund  
Health Care System Improvement Purpose

By chapter 54, section 1, of the laws of 2015:

For payments and grants to support health care facility transformation within the county of Kings, for capital, non-operational works serving communities whose residents are experiencing significant levels of health care disparities, health care needs and other risk factors. Funding will be awarded in the discretion of the commissioner of health, without a competitive bid or request for proposal process, for purposes in support of essential health care services. Such purposes may include renovating or replacing inefficient or outdated facilities as part of a merger, consolidation, acquisition or other significant corporate restructuring activity intended to create a financially sustainable system of care that promotes a patient-centered model of health care delivery aimed at improving the overall health and well-being of a community. The dormitory authority may issue bonds for such purposes in an amount appropriated herein. No expenditures may be made from this appropriation to a facility until a facility specific plan has been submitted to the department of health and has been approved by the director of the budget (12BK15HE) ... 700,000,000 ..... (re. \$700,000,000)