



**Office of Children  
and Family Services**

**ANDREW M. CUOMO**  
Governor

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Acting Commissioner

**New York State  
Office of Children and Family Services  
Division of Child Care Services**

**Grant Procurement**

**REQUEST FOR PROPOSALS**

**RFP # 2018-16  
Grants Gateway # CFS01-ADVANT-2019**

**Advantage After School Program**

**Issued: 5/3/2019**

**Amended: 5/15/2019**

**Amended: 5/31/2019**

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## 1.0 GENERAL INFORMATION/CALENDAR OF EVENTS

The New York State Office of Children and Family Services (OCFS), invites eligible not-for-profit community-based organizations to submit proposals for the development and/or continuation of quality after-school programs in partnership with local schools/school districts for the Advantage After School Program (AASP).

**Applicants must operate in accordance with all applicable laws, rules and regulations.**

**Note:** Throughout this document, the terms *proposals*, *bids*, *offers*, and *applications* are used interchangeably, as are *applicants*, *bidders*, and *offerers*.

If the offerer discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the offerer shall immediately notify OCFS (See **Section 1.1 Procurement Contact**) of such error in writing and request clarification or modification of the document.

If prior to the deadline for submission of written questions an offerer fails to notify OCFS of a known error in or omission from the RFP, or of any error or omission or prejudice in bid specification or documents with the RFP that the offerer knew or should have known, the offerer agrees that it will assume such risk if awarded funds, and the offerer agrees that it is precluded from seeking further administrative relief or additional compensation under the contract by reason of such error, omission, or prejudice in bid specification or documents.

### 1.1 Procurement Contact

All inquiries concerning this procurement must be addressed to the director of contracts in the RFP unit or his designee(s) at OCFS, via email (preferred) [RFP@ocfs.ny.gov](mailto:RFP@ocfs.ny.gov) or via hard copy mailed to:

Director of Contracts  
Questions for **RFP# 2018-16 Advantage Afterschool Program**  
Office of Children and Family Services  
52 Washington Street  
Room 202S – RFP Unit  
Rensselaer, NY 12144

**1.2 Calendar of Events (Amended 5/31/2019)**

RFP# 2018-16 Advantage Afterschool Program	
EVENT	DATE
Issuance of Request for Proposals	5/3/2019
Informational Meeting/Technical Assistance Sessions/Bidders Conference ( <i>optional</i> )	Not Applicable
<b>Deadline for Submission of Written Questions</b>	<b>5/16/2019 by 5:00 p.m. Eastern Time</b>
Responses to Written Questions Posted in the Grants Gateway ( <i>on or about</i> )	5/27/2019
<b>Recommended Deadline to Prequalify in the Grants Gateway</b>	5/27/2019
<b>Deadline for Submission of Proposals</b>	<del>6/12/2019 by 4:00 p.m.</del> <b>6/18/2019 by 4:00 p.m. Eastern Time</b>
Interviews/Site Visits, ( <i>optional</i> ) (not earlier than the week of)	Not Applicable
<b>Anticipated</b> Notification of Award (not earlier than)	<del>7/12/2019</del> <b>7/18/2019</b>
<b>Anticipated</b> Contract Start Date (not earlier than)	9/1/2019

**1.3 Informational Meeting/Technical Assistance Session**

Not applicable.

**1.4 Submission of Written Questions**

All communications to report errors or omissions in the procurement process, ask questions, or to request clarification of this RFP should cite the particular RFP section and paragraph number and must be submitted via email (preferred) [RFP@ocfs.ny.gov](mailto:RFP@ocfs.ny.gov), or via hard copy mailed to the director of contracts no later than the deadline for submission of written questions specified in **Section 1.2 Calendar of Events**. Questions received after the deadline for posting responses to written questions may not be answered. The comprehensive list of questions and responses will be posted in the solicitation announcement in the New York State Grants Gateway System (<https://grantsgateway.ny.gov>) (GGS or Grants Gateway), on the OCFS Website (<http://ocfs.ny.gov/main/bcm/rfp.asp>), and the Contract Reporter website at (<https://www.nyscr.ny.gov/login.cfm>) on or about the date specified in **Section 1.2 Calendar of Events**.

To view the comprehensive list of questions and responses that are posted to the NYS Grants Gateway, click the link under the grant opportunity announcement in the Grants Opportunity Portal.

## **1.5 Deadline for Prequalification in the Grants Gateway**

Not-for-Profit applicants are strongly encouraged to prequalify in the Grants Gateway by the date specified in the table in **Section 1.2 Calendar of Events**, and MUST prequalify by the date of submission. Please refer to **Section 3.0: MINIMUM QUALIFICATIONS TO PROPOSE AND PREQUALIFICATION PROCESS**.

NOTE: Government entities are not required to prequalify in Grants Gateway, but must register in order to submit an application.

## **1.6 Submission of Proposals**

All proposals must be submitted electronically through Grants Gateway. Please refer to **Section 5: PROPOSAL CONTENT AND SUBMISSION** for further information. Prior to submitting a proposal, bidders must pre-qualify in the Grants Gateway System if not a Government Entity. (See **Section 3: MINIMUM QUALIFICATIONS TO PROPOSE AND PREQUALIFICATION PROCESS** for further information.)

**Forms Required To Be Submitted Into the “Pre-Submission Uploads” Section of the Application (click the hyperlinks below to access the files):**

- A. [OCFS-2633, MacBride Fair Employment Principles Certification Form](#)
- B. [OCFS-2634, Non-Collusive Bidding Certification](#) (Required by section 139d of State Finance Law.)
- C. [Attachment A-2, Federal Assurances and Certifications](#) (If required.)
- D. For complete proposal and contract requirements for the Minority-and-Women-Owned Business Enterprises (MWBE) and Equal Employment Opportunity (EEO) requirements, refer to Section 7.10. The following are forms to be completed and submitted with your Administrative Proposal and can be found [here](#):
  - **OCFS-4629, Project Staffing Plan Form**
  - **OCFS-3460, Minority and Women-Owned Business Enterprises (MWBE) Equal Employment Opportunity (EEO) Policy Statement**
  - **OCFS-4631, M/WBE Utilization Plan Form**
- E. [OCFS-2647, EO 177 Certification](#) (See section 7.15 for more information.)

## 1.7 OCFS Reserved Rights

OCFS reserves the right to

1. place a monetary cap on the funding amount made in each contract award;
2. change any of the schedule dates stated in this RFP prior to the due date for the submission of proposals;
3. reject any or all proposals received in response to the RFP;
4. withdraw the RFP at any time at the agency's sole discretion;
5. make an award under the RFP in whole or in part;
6. disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFP;
7. reject any proposal if, in the sole discretion of OCFS, it determines the bidder is not a responsible vendor;
8. seek clarification and revisions of proposals. Request bidders to present supplemental information clarifying their proposals either in writing or by formal presentation. Other than the requested clarification and supplemental information, submission of new information is not permitted;
9. require that bidders demonstrate, to the satisfaction of OCFS, any feature(s) present as a part of their proposal, which may include an oral presentation of their proposal. Any such demonstration or presentation may be considered in the evaluation of the proposal;
10. amend any part of this RFP prior to opening of bids, with notification to all bidders, and direct all bidders to prepare modifications addressing RFP amendments, if necessary. Expenses incurred in the preparation of any proposals or modifications submitted in response to this RFP are the sole responsibility of the bidder or other party and will not be incurred or reimbursed by OCFS;
11. make funding decisions that maximize compliance with and address the outcomes identified in this RFP;
12. fund only one portion, or selected activities, of the selected bidder's proposal and/or adopt all or part of the selected bidder's proposal based on federal and state requirements;
13. eliminate any RFP requirements that cannot be met by all prospective bidders upon notice to all parties that submitted proposals;

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14. waive procedural technicalities or modify minor irregularities in proposals received after notification to the bidder involved;
15. correct any arithmetic errors in any proposal or make typographical corrections to proposals with the concurrence of the bidder;
16. negotiate with the selected bidder(s) prior to contract award.
17. conduct contract negotiations or award a contract to the next highest bidder if contract negotiations with the selected bidder(s) cannot be accomplished within an acceptable time frame. No bidder will have any rights against OCFS arising from such actions;
18. award contracts to more than one bidder or to other than the lowest bidder;
19. require that all proposals be held valid for a minimum of 180 days from the closing date for receipt of proposals, unless otherwise expressly provided for in writing;
20. fund any or all of the proposals received in response to this RFP. However, issuance of this RFP does not commit OCFS to fund any proposals. OCFS can reject any proposals submitted and reserves the right to withdraw or postpone this RFP without notice and without liability to any bidder or other party for expenses incurred in the preparation of any proposals submitted in response to this RFP and may exercise these rights at any time;
21. use the proposal submitted in response to this RFP as part of an approved contract. At the time of contract development, awardees may be requested to provide additional budget and program information for the final contract;
22. utilize any and all ideas submitted in the proposals received where an award is ultimately made;
23. 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 proposal and/or to determine an offerer's compliance with the requirements of the solicitation;
24. make additional awards based on the remaining proposals submitted in response to this RFP and/or provide additional funding to awardees if such funds become available;
25. make inquiries of third parties, including but not limited to, bidder's references, with regard to the applicants' experience or other matters deemed relevant to the proposal by OCFS. By submitting a proposal in

response to this RFP, the applicant gives its consent to any inquiry made by OCFS;

26. require contractors to participate in a formal evaluation of the program to be developed by OCFS. Contractors may be required to collect data for these purposes. The evaluation design will maintain confidentiality of participants and recognize practical constraints of collecting this kind of information;
27. consider statewide distribution and regional distribution within New York City, including borough distribution methodology, in evaluating proposals;
28. rescind awards for failure of awardees to meet time frames that OCFS is required by statute to meet for contract development and approval;
29. cancel this RFP, in whole or in part, at any time and to reject any and all proposals when appropriate in the best interests of the state; and
30. make adjustments to the funding amount requested based on program need and based on the total dollar value of the applications submitted.

Prior to the deadline for submission of proposals, any such clarifications or modifications as deemed necessary by OCFS will be posted in Grants Gateway, the NYS Contract Reporter, and on the OCFS website. Potential offerers that were sent the original bid notice via email will receive an email from the RFP unit regarding the clarifications or modifications. All other individuals will have to check the NYS Contract Reporter or the OCFS website for any changes and check the posted Q&As.

## **2.0 EXECUTIVE OVERVIEW**

### **2.1 Introduction/Description of Program Objectives and Background**

The New York State Office of Children and Family Services (OCFS) invites not-for-profit, community-based organizations to submit proposals for the development of quality after school programs based on the Advantage After School Program (AASP).

AASPs, in partnership with local schools, offer a broad range of educational, recreational, cultural, and age-appropriate activities in a safe environment; they integrate what happens in the school day with less formal learning experiences, and encourage the active participation of children, youth and families in the design and delivery of program activities.

Children who participate in quality after-school programs have higher school attendance and academic achievement, and are less likely to be involved in risky behaviors during after-school hours. Youth who do not participate in after-school activities are more likely to smoke, drink alcohol, use drugs, and participate in

premature sexual activity. Research shows that most of the crime committed by or against youth occurs between the hours of 3 p.m. and 6 p.m. Studies have found that children who attend quality after school programs have better relationships with other students involved in the programs, less behavioral and emotional problems, better grades and fewer absences from school than their peers who are unsupervised after school. AASP was created to help provide New York State's children with educational, interesting and fun activities to fill the vital three-hour gap directly after school.

In safe and supervised after-school environments offered through AASPs, school-age children and youth are given the opportunity to have positive experiences that encourage good choices for their futures. These programs create enhanced settings where children can grow as individuals. One of the key components for AASPs is having both youth and family involvement in the program planning process and implementation. Youth and family participation, aligned with the partnerships that are formed through school and community, form the foundation upon which the AASPs are built.

A key to any working family structure is having good afterschool programs in place. Governor Andrew Cuomo continues to support AASP through his executive budget, reflecting his commitment each year to maintain this essential program area. In addition, AASPs are a priority for the NYS legislature. OCFS currently funds 137 contracts that include 177 program sites through AASP. The programs currently serve approximately 17,000 children.

## **2.2 OCFS Statewide Considerations**

OCFS's mission is to serve New York's public by promoting the safety, permanency and well-being of our children, families and communities. OCFS effectuates results by setting and enforcing policies and building partnerships at the federal, state, county and community levels that impact practice. OCFS funding investments assist communities to create and/or enhance the provision of quality services in the areas of child welfare, juvenile justice, adult protective services, and services for the legally blind and visually impaired.

OCFS conducts ongoing analysis of demographic data and fiscal expenditures to aid counties and communities in administering safe, effective and cost- efficient services to the residents of our state. Paramount is ongoing self-assessment within "the system" to identify changes in service needs, interventions, and partnerships. OCFS data reveals that many children and families who are involved with the child welfare and juvenile justice systems in New York State are disproportionately Black and Latino, and many are poor. For the blind and visually impaired service area, Black and Latino adults are underrepresented in the receipt of services from the legally blind and visually impaired service network.

In response to this situation, OCFS has been implementing various activities to

- assess relevant data,

- identify which communities across the state are affected,
- identify evidence-based and/or best-practice strategies and/or approaches that can be replicated in New York State to respond to the issue, and
- provide funding to designated high-need communities to facilitate implementation of programs and services that address disproportionality and disparity rates.

This RFP provides OCFS and localities an opportunity to provide services to our most vulnerable children and families and to implement activities that address disproportionality in identified communities. OCFS will invest in services that are culturally and linguistically competent, cost efficient, and contribute toward alleviating issues identified for the respective communities. Organizations that are interested in applying for OCFS funding are therefore encouraged to review their community's demographic data (i.e., child welfare, home visiting, adoption, and juvenile justice) and as indicated and where deemed appropriate per the target population and/or scope of services for the funding source, consider the following element(s) in their proposal design:

- **Disconnected/High-Need Youth**

OCFS's priority is to "protect those in greatest need" through ongoing assessment and enhancement of services that promote safety and general well-being for at-risk children, adolescents, families and adults. This priority includes targeting services for "disconnected/high need youth" who are: youth aging out of foster care; youth in or re-entering the community from the juvenile justice system; and children of incarcerated parents. Grant applications that propose to serve the "disconnected/high-need youth" population must consider that the clients cited above often require service intervention from multiple service systems. Where required by the OCFS RFP narrative, applications must demonstrate capacity and scope for cross-agency collaborations and partnership with relevant community organizations.

- **Racial Equity and Cultural Competence**

OCFS continues work in the area of Racial Equity and Cultural Competence (RECC). Effort to address RECC includes examination of the issues related to the overrepresentation of Black, Latino and Native American children and their families in the State's child welfare and juvenile justice systems. It also entails a consideration of issues related to the underrepresentation of Blacks, Native Americans and Latinos in various service delivery systems to identify how best to enhance outreach and preventive measures that support the safe reduction of out-of-home placements for children and adults, and focus on the well-being of children, youth and families. OCFS has enlisted the participation of our state and local partners in this effort and is working with a number of counties to examine local data and develop strategies to address, reduce and ultimately eliminate racial and ethnic disparities and to seek equity within the systems of care and custody. We continue to partner with national experts Casey Family Programs and have also collaborated with the Center for the Study of Social

Policy (CSSP) and other national experts dedicated to this work. The effort must be data driven and therefore, we have generated and shared county-level data with partners and stakeholders in our effort to encourage transparency and collaboration.

Current OCFS statewide data indicates that Black and Latino children and families continue to comprise 75 percent of the state's children in foster care and about 85 percent of the juvenile justice placements. OCFS views this RFP as an opportunity to heighten public awareness of the issue of disproportionality and to begin to promote policies and practices that will gradually reduce it.

Specific areas that every applicant and community are requested to consider in the design of their program and scope of services identified in their application for OCFS funding include, but are not limited to the following:

- Providing service strategies, approaches, and linguistic capacities that promote the delivery of services that are culturally competent and reflective of the population and community to be served
  - Collecting and analyzing data relevant to disproportionality and service provision
  - Strategically locating services within communities, to promote better access to service delivery in high-need areas
  - Promoting cross-agency dialogue and partnership regarding service planning to address disproportionality (including, but not limited to, social services, mental health, health, education, housing, substance abuse, probation agencies, and community-based providers)
- **Disproportionate Minority Representation (DMR) in the Child Welfare and Juvenile Justice Systems**

Disproportionate Minority Representation (DMR) or disproportionality occurs when the percentage for the representation of a particular minority group (racial, ethnic) involved with a service system is significantly higher or lower than that group's percentage or representation in the general population. Disproportionality has implications across all services administered by OCFS, including child welfare, juvenile justice, child care, youth development, and those services for the blind and visually impaired. In some service categories, disproportionality manifests itself by over-representation of racial/ethnic groups, and in other service categories, it is manifested by under-representation of racial/ethnic groups.

Further information regarding Disproportionate Minority Representation (DMR) and data in New York State can be found through the following link: [Disproportionate Minority Representation \(DMR\)](#).

### **2.3 Purpose and Funding Availability**

In this Request for Proposals (RFP), OCFS has been allocated \$33 million in Federal Temporary Assistance for Needy Families (TANF) funds to develop, extend and/or expand AASPs. These grant funds shall be used to supplement, and not supplant, current local expenditures of federal, state or local funds on after-school programs and the number of students served in such programs from such sources.

In this RFP, OCFS has been allocated federal funds for not-for-profit community-based organizations, pursuant to program plans developed by such organizations, to serve elementary, middle and high school students. These after school programs are to be integrated with what happens in the school day and operated in cooperation with schools and school districts as well as other community-based organizations that provide educational, recreational, cultural, and age-appropriate activities.

Contracts awarded as a result of this procurement will range between \$80,000 per year to \$280,000 per year, contingent upon funding availability. The maximum cost per child is \$2,000 per year. For example, a contract award for a program with a maximum anticipated daily attendance of 100 children would be eligible for up to \$200,000 per year.

No applicant shall receive reimbursement more than the total actual grant expenditures incurred by the applicant in the current school year as approved by OCFS. Expenditures submitted for payment may not exceed the grant award or a maximum expense of \$2,000 per year per child.

Awards made in response to this RFP will be limited to a maximum of three (3) per eligible applicant to this RFP. Separate proposals must be submitted for each region that an applicant proposes to serve. Each application may propose to serve a maximum of two (2) program sites within the same region as defined in Section 6.2 of this RFP. Please see **Section 3.1 Minimum Qualifications** for information regarding eligibility. It is not mandatory that the program be held at the school, however it must be operated in collaboration with school(s) and a partnership agreement with the school or school district must be submitted with each application. Please see Section 4.1. for additional information.

Quarterly Reimbursement will not be available until the selected applicants and OCFS enter into a contract, which is approved by the New York State Office of the Attorney General, and the New York State Office of the State Comptroller. Costs will be paid only for expenditures incurred after the contract start date.

Contractors will be notified by OCFS of the funding source and any subsequent changes in the funding source. The following information applies to the funding opportunity for any resulting contracts that are federally funded:

Federal awarding agencies have certain responsibilities related to the federal

awards they make. Code of Federal Regulations (CFR) §200.210 of the “Pre-federal Award Requirements and the Contents of Federal Awards,” of the Office of Management and Budget (OMB) Uniform Guidance (2014) provides the federal award information that must be provided to each subrecipient of a federal award. OCFS has determined that awardees under this procurement are deemed Subrecipients as outlined in CFR §200.330 for the purpose of carrying out a portion of a Federal award. OCFS is providing this information to assist the awardee meeting the Contract Provisions for Non-Federal Entities Appendix II to CFR Part 200.

**Reporting Requirements:**

**Selected awardees may be required to report, at the time of their claim submission, the number of TANF families served each month of the contract.**

Upon approval of the contract, contractors may apply for an advance in accordance with OCFS’s policy and procedure as follows:

Federal Fund Advance Requests: Requests for advance payments on federally funded contracts must be made in accordance with 2 CFR Part 200, and in particular with 2 CFR section 200.305 and other applicable laws, rules and regulations. Requests for advance payments on federally funded contracts must be made, in writing, on the Federal Fund Advance Request form (OCFS-3900), pursuant to the process established by OCFS. OCFS will review and a determination will be made upon the contractor’s submission of all required information. OCFS will recoup advance payments on federally funded contracts by crediting subsequent claims, so that the advance payment is recouped in full as soon as administratively feasible and in no event later than the third quarter of the contract period and in accordance with 2 CFR Part 200 and any other applicable laws, rules and regulations and in accordance with the Federal Fund Advance Request Form (OCFS-3900).

OCFS will provide the applicants selected to implement the services with copies of all applicable statutes and regulations and any other required agency forms and notices.

As noted in **Section 1.7 OCFS Reserved Rights** above, OCFS reserves the right to place a monetary cap on the funding amount made in each contract award.

**2.4 Term of Contract**

The contract(s) awarded in response to this RFP will be for five (5) years. The anticipated start date is **September 1, 2019** and the anticipated end date is **August 31, 2024**. Funding is currently anticipated to be available for the first year of the contract. The award of a multi-year contract does not guarantee that funding will be available for subsequent years. Funding will be contingent on continued availability of funding and satisfactory contractor performance. Contractors may not begin to provide services prior to the contract start date; OCFS has no obligation to pay for services rendered prior to that time. Payments cannot be

made prior to the formal execution of a contract and approval by the New York State Office of the State Comptroller (OSC).

### 3.0 MINIMUM QUALIFICATIONS TO PROPOSE AND PREQUALIFICATION PROCESS

#### 3.1 Minimum Qualifications

Eligible applicants must:

- **Be a not-for-profit organization.** Community-based organizations (CBO's) with not-for-profit status are eligible to apply.

For the purposes of this RFP, community-based organizations are not-for-profit organizations that work at a local level to improve life for residents. Refer to RFP **Section 5.3 Key Concepts** for additional information.

**Please note:** For-profit organizations, municipal agencies, public school systems, and government entities **are not eligible to apply.**

- Submit a signed **Attachment 7 - Partnership Agreement (one for each site)** between the applicant and the school(s) or school district proposed to be served.

#### **Attachment 7 - Partnership Agreement:**

**The Partnership Agreement must be filled out in its entirety and signed by the applicant's Executive Director (or equivalent) and the appropriate individual(s) designated and authorized to contractually bind the school(s) and/or school district(s) proposed to be served. (i.e., School Principal, Superintendent, or designee in accordance with school district policy). Partnership agreements must cover the entire five-year contract term. If there are changes to the Partnership Agreement during the term of the contract, a new Partnership Agreement will be required and OCFS must be notified and approve of change in writing prior to change taking effect.**

Include the name of the partners in the after-school program and what role each will play. There must be a separate Partnership Agreement for each site. Each Partnership Agreement must include the CBO and School organization(s) and identify which responsibilities each entity is providing. In proposals where the program is located in a school, it is important to identify the school resources that will be made available for the program.

The partnership agreement may be with either the school district that oversees the school(s) the participants attend, or with each school that the participants attend, in accordance with the applicable school district's policy.

- Provide a School Age Child Care (SACC) registration if serving children under the age of thirteen (13). If your organization does not have this registration, and is proposing to serve children under the age of 13, you must agree to obtain a SACC registration if selected for award.

**Please Note:** Programs may not begin to provide direct care services until they have a SACC registration in place. OCFS will not reimburse for any direct care services prior to the date of the SACC registration.

- Agree to comply with all applicable statutes and regulations, provide all required notices to parents and providers, utilize all required agency forms and notices, and further agree that ALL additional program proposed forms and documentation will be reviewed and approved by OCFS prior to their use by the selected applicants.
- Unless exempt, be prequalified, in the NYS Grants Gateway by the application deadline.

The required submissions must be uploaded as an attachment in the Grants Gateway in the “**Program Specific Questions**” section of the Grants Gateway System as part of your response to applicable questions.

### **3.2 Prequalification Process**

New York State has instituted key reform initiatives to the grant contract process that require not-for-profit organizations to register in the New York State Grants Gateway System (GGS) and complete the Vendor Prequalification process in order for proposals to be evaluated. After becoming prequalified, Not-for-profit organizations will have the responsibility to keep their information current by updating on an annual basis.

**Proposals received from not-for-profit applicants that are not prequalified in the Grants Gateway on the proposal due date and time listed in Section 1.2 Calendar of Events will be disqualified from further consideration.**

NOTE: Government entities are not required to prequalify in Grants Gateway, but must register in order to submit an application.

Below is a summary of the steps that must be completed to meet registration and prequalification requirements. [The Vendor Prequalification Manual](#) on the [Grants Management website](#) details the requirements and an [online tutorial](#) is available to walk users through the process.

#### **3.2.1 Register for the Grants Gateway**

- On the Grants Management 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, email [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov). If you do not know your password, click the [Forgot Password](#) link from the main log in page and follow the prompts.

### 3.2.2 Complete Your Prequalification Application

- Log into the [Grants Gateway](#). If this is your first time logging in, you will be prompted to change your password at the bottom of the “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 with which you have the most grant contracts. If you currently do not have any contracts with NYS, select OCFS. This page should be completed in its entirety before you click “SAVE”. A “Document Vault” link will become available near the top of the page. Click this link to access the main “Document Vault” page.
- Answer the questions in the “Required Forms” and upload “Required Documents.” This constitutes your “Prequalification Application.” “Optional Documents” are not required unless specified in this Request for Proposal.
- Specific questions about the prequalification process should be directed to the agency contact listed in **Section 1.1 Procurement Contact**, or to the Grants Gateway Team at [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov).

### 3.2.3 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 expedited review of your prequalification application is desired, please send an email request to the agency contact listed in **Section 1.1 Procurement Contact** and identify your organization by including your Grants Gateway Document Vault (GDV) number, organization name, and Federal EIN or SFS Vendor ID. It is advised that you submit this request prior to, or

as soon as possible after, the **Recommended Deadline to Prequalify in the Grants Gateway** noted in **Section 1.2 Calendar of Events**.

- Your document vault will be assigned to a prequalification specialist for review. If your prequalification specialist has questions or requests modifications, you will receive email notification from the GGS.
- Once your prequalification application has been approved, you will receive a GGS notification that you are now prequalified to do business with New York State.

**Vendors are strongly encouraged to begin this process as soon as possible and at the latest by the date specified in Section 1.2 Calendar of Events to participate in this opportunity.**

### **3.3 Vendor Responsibility Requirements**

Section 163(9)(f) of the NY State Finance Law requires that a state agency make a determination that a bidder is responsible prior to awarding that bidder a state contract. Vendor responsibility will be determined based on the information provided by the bidder, on-line, through the New York State VendRep System Questionnaire or through a paper copy of the Vendor Responsibility Questionnaire. OCFS will review the information provided before making an award.

OCFS reserves the right to reject any proposal if, in its sole discretion, it determines the bidder is not a responsible vendor. All proposals are subject to a vendor responsibility determination before the award is made, and such determination can be revisited at any point up to the final approval of the contract by the New York State Office of the State Comptroller (OSC). Vendors must maintain their vendor responsibility throughout the duration of the contract.

Enrolling and completing the questionnaire online through the New York State VendRep System is the best method because both the questionnaire and answers are stored in the system. Thus, subsequent questionnaires in response to contracts or Request for Proposals from any state agency would only need to be updated in the VendRep System.

To access or enroll in the VendRep System or update your existing online questionnaire, click [On-line Questionnaire](#). Questionnaires in the VendRep System that have been completed in the last six months in response to contracts or bid announcements do not need to be updated. If the vendor is using the hard copy notarized questionnaire, then it also has to be current within six months of the due date of the proposal.

Vendors opting to complete a paper questionnaire, can access the questionnaire by clicking the following link: [Paper Questionnaire](#). Please note that there are separate questionnaires depending on the contractor status. Not-for-profit vendors must use the *Vendor Responsibility Questionnaire Not-For-Profit Business Entity* form. For-profit vendors must use the *Vendor Responsibility Questionnaire For-Profit Business Entity* form.

Vendors are also encouraged to have subcontractors file the required Vendor Responsibility Questionnaire online through the New York State VendRep System. These subcontractors are required to submit a questionnaire when the value of the subcontract is \$100,000 or more.

Prior to executing a subcontract agreement, the contractor must provide the information required by OCFS to determine whether a proposed subcontractor is a responsible vendor.

Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor Identification Number or for direct VendRep System user assistance, the OSC Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email at [ciohelpdesk@osc.state.ny.us](mailto:ciohelpdesk@osc.state.ny.us).

The New York State VendRep System offers the following benefits:

- Ease of completion, filing, access to and submission of the questionnaire; efficiencies are multiplied for vendors who bid and contract with the state frequently or with multiple state agencies.
- Questionnaire updates are easily filed by updating only those responses that require change from the previously saved questionnaire (as opposed to a paper copy where a new questionnaire is required each time there is a change).
- The stored questionnaire information eliminates the need to re-enter data for each subsequent questionnaire submission.
- Reduction of costs associated with paper documents including copying, delivery and filing
- Online questionnaire information is secure and accessible to authorized vendor users only. State agencies can only view certified and finalized questionnaires.
- VendRep question prompts ensure that the correct forms are completed.
- The VendRep On-Line System contains links to all definitions of the terms used in the questionnaire.

Note: The vendor responsibility questionnaire must be dated within six months of the proposal due date. Any subcontractors under that proposed contract must also complete a Vendor Responsibility Questionnaire when the value of the subcontract is projected to be \$100,000 or more for the contract term.

Confirmation of **completion** of the vendor responsibility process must be submitted with your proposal. This confirmation can take the form of

registration in the VendRep system, or by submitting your completed hardcopy questionnaire. To submit this confirmation with your application, go to the bottom of your certified questionnaire, and click the button called "Form Overview." Print this page and upload it to the proposal. Upload the page into your proposal by going to the "Pre-Submission Uploads" section of the RFP in the GGS. While it is not recommended, you have the option of uploading a completed hardcopy vendor responsibility questionnaire to the "Pre-Submission Uploads" section.

## 4.0 PROGRAM REQUIREMENTS

### 4.1 Desired Outcomes and Program Requirements (Page 18 amended on 5/15/2019 and page 19 amended on 5/31/2019)

OCFS is seeking proposals that are responsive to the desired outcomes identified in the RFP and that provide values to the OCFS mission. OCFS expects all project services funded by this initiative will be designed to be culturally and linguistically competent and cost efficient. Appropriate planning and development activities must be conducted by applicants to promote responsiveness to the target population of this RFP. The following program guidelines must be included in proposed afterschool programs:

- Broad range of age-appropriate activities, including individual activity descriptions and intended outcomes;
- Proposed weekly schedule and hours of operation youth attend on a regular basis;
- Linkage between regular school staff and after school staff to integrate what happens in the school day with less formal learning experiences;
- Nutritious snacks to be provided;
- Computer access and internet availability for staff and student use (where included in the student programs);
- Precautions that will be taken to provide an after-school program that is a safe and healthy place for all participants and staff;
- The environment must be structured to facilitate a variety of simultaneous activities. Note: Programs that serve children under the age of 13 must also meet the SACC regulation requirements;
- The program is required to involve youth and families in the design and delivery of programs and activities as well as the mechanisms for communicating with parents;
- Community Service/Service Learning shall provide youth with the opportunity to provide and experience community service through age appropriate activities.
- For all age groups, the Pregnancy Prevention strategy must focus on factors that are common elements, as appropriate based on age. The program activity should address the following: improving self-esteem, increasing decision-making skills, expanding awareness of opportunities with a sense of future aspirations, preparing for the world of work and increasing the ability of youth to assess how present actions impact on future responsibility. If the school

already has activities designed to reduce teen pregnancy, the After-School Program must align with, reinforce and/or augment those program activities.

- The program must address the following: bullying, improving self-esteem, increasing decision-making skills, expanding awareness of opportunities with a sense of future aspirations, preparing for the world of work and increasing the ability of youth to assess how present actions impact future responsibility.
- The proposed program will be implemented in communities and neighborhoods with the highest needs.
- children with special needs must be included in the program.
- The activities and staffing patterns must represent the children and youth served.

An effective AASP will address academic, social, cultural diversity and recreational areas, for example:

- Snacks - group discussions and planning
- Academics - homework help, computer technology
- Social - team sports, quiet games, martial arts, mentoring and community involvement
- Cultural Diversity - music, arts and crafts, home economics, health and nutrition
- Recreational - dance, adventure games, physical activities
- Other Activities - Identify the program activity that will take place, such as pottery, cooking, foreign language classes, etc.
- Brief Description - For each activity, give a brief description of how you will support that activity.

Programs operated in school buildings are preferred. Other sites will be considered with appropriate justification regardless of the location of the program. If the applicant proposes to involve additional partners/sub-contractors, they must enter into a subcontract with each additional partner/sub-contractor upon award.

**OCFS does not require an annual program evaluation, however, awardees are encouraged to use the New York State Network for Youth Success Quality Self-Assessment (QSA) tool. The QSA Tool may be used by the vendor, in conjunction with other formal and informal evaluation methods, such as youth, parent and staff meetings, youth and parent focus groups, and external monitoring and evaluation to help identify program strengths and areas in need of improvement. Information regarding the QSA, along with the tool is available at the following link: <http://networkforyouthsuccess.org/qsas/>**

At a minimum, AASP must operate at least a five-days-a-week/ three-hours-a-day directly after school ends. The requirement is that these programs will enroll a group of children or youth who will attend the program daily during the school year. Programs are encouraged to extend their hours into the evening, particularly when

serving older adolescents, and for weekdays during the regular school year when classes are not in session. **Funds are not available for regular weekend and summer programming. However, funds may be used for up to three (3) scheduled weekend activities/events annually with prior approval. ~~Funds must also not be used to support an existing Empire State Afterschool site.~~ Funds may be used to support an existing Empire State afterschool site provided that the existing Empire program is expanded to follow the AASP model, does not duplicate services for the same population and demonstrates that the AASP funds will be used to provide additional services, such as serving additional children and/or providing additional programming.**

### **Required Program Outcomes and Performance Targets**

The AASP has four (4) required program outcomes:

1. Improved social, emotional, academic and vocational competencies of school-age children and youth;
2. The prevention or reduction of out-of-wedlock adolescent pregnancies;
3. The reduction of other negative youth behaviors such as bullying, violence, crime, tobacco, alcohol and substance abuse, disengagement from school, suspension from school, truancy, and health-compromising behaviors;
4. A safe, after-school environment for children, youth, parents and caregivers.

In addition to the four (4) required program outcomes stated above, there are three (3) required performance targets designed to positively affect the program outcomes that must be developed for each program. A program's success will be measured by how well it achieves its performance targets.

#### **The three required performance targets are:**

1. **Child Performance:** Students that regularly attend the after-school program will enhance their academic achievement.
2. **Child Involvement:** Attain consistency of attendance of enrollees in the after-school program, considering the need for flexibility in children's attendance due to the irregular schedules of parents and that, as children age, they may be involved in more extracurricular school activities and part-time employment.
3. **Parental/Guardian Involvement:** Obtaining parent involvement and parent satisfaction, both of which have been demonstrated to correlate to the quality of the after-school program.

Applicants must propose and commit to adopting these outcomes, and all three (3) required performance targets. Additional outcome categories deemed appropriate by the applicant must be included in their proposal. All outcomes proposed in a funded applicant's narrative are subject to pre-approval by OCFS.

Keep in mind, your project will be held accountable for achieving the performance targets that must include a statement of the baseline (the projected status of the target population without intervention) on which targets are based and a description of the methods and information sources that will be used to verify the targets were reached.

Programs are required to report on the established three (3) required performance targets for all programs.

Identify the baseline in numerical terms and the verification method for the performance targets. You will be reporting on them in each contract year. All performance targets will be measured in the second year of funding, following the establishment of baselines and testing of effective verification methods during the first year of funding.

To assist you with developing these performance targets, please read the following instructions carefully before you complete the required *Performance Targets Form-Attachment 4*.

### **Explanation of Terms for Performance Targets**

Identify how your program intends to have an impact upon a child's life. AASPs are geared toward reducing negative behavior, reinforcing positive behavior, increasing academic achievement and exposing children to cultural enrichment.

Example: an existing condition is children demonstrating below-average grades.

#### **1. What is the current baseline data for the condition to be affected?**

The baseline represents the projected status of the children prior to intervention. For the example, identify the children who are failing one or more subjects.

In numerical terms, what is your best estimate of what will happen to these children without intervention of your program? The answer would be based on information the school has provided or on familiarity with the research in that area, and might look like this: The target population of 100 children will continue to fail and drop out of school. The Maximum Average Daily Attendance (MADA) by site must be used as the baseline for the target population.

- Child Performance:** Of the X number of youth attending the program, it would be expected that Y number would perform below grade level; fail one or more subjects, or perform below the state standards.
- Youth Involvement:** Of the X number of youth attending the AASP, it would be expected that Y number are not involved in any structured activities and do not attend on a regular basis.
- Parent/Guardian Involvement:** Of the X number of youth attending the program, it would be expected that Y number of youth would have no parental involvement in the after-school program.

Please identify clearly the basis or source of your baseline levels.

2. Setting the Performance Target: What degree of change from the baseline do you anticipate with the intervention that you are proposing?

What resources and structure will your program implement to improve the status of the target population? The degree of improvement needs to be measurable. Consider the identified need of each child participating in the proposed intervention at the start of the program and how you will mark improvement. Use percentages and numbers based upon the school's information, educational research and environmental variables in assisting the children's progress academically. The following formula is suggested:

Of the (number of target population) children, who now (baseline data), Z (number of participants) will (statement of the degree of change).

For example:

**Child Performance:** Of the Y number of youth who are now failing one or more subjects, Z number of those will pass one of the failing subjects or perform at state standards.

**Youth Involvement:** Of the Y number of youth who attend less than three (3) days a week, Z number of those will attend three (3) or more days a week.

**Parent/Guardian Involvement:** Of the Y number of youth with no parent/guardian involvement with the program Z number of those will have a parent attend a special event, volunteer in the program, complete surveys, serve on a parent advisory committee, or have weekly contact with program staff.

3. How do you plan to verify that the project has reached the performance target?

To determine if performance targets have been achieved, you need a means of verification with concrete evidence related to your proposal. This demonstrates the program's ability to benefit the children it serves. Means of verification could be: surveys, school records, school reports, program notes, parent letters and formal evaluations.

**Child Performance:** School staff will share children's grades (with parental permission) on a quarterly basis.

**Youth Involvement:** After school staff will maintain a daily attendance log for each enrollee.

**Parent/Guardian Involvement:** After-school staff will require parents and guardians who participate in activities and events to sign in. Staff will keep a daily/weekly contact log of communications with parents.

## **Registration Process for School Age Child Care (SACC)**

To receive AASP funds for program operation, programs must meet applicable state laws and regulations.

Programs serving children under the age of 13 must complete the registration process for SACC outlined in OCFS regulations at 18 NYCRR Part 414. The applicable regulations can be accessed at the following link:

[https://ocfs.ny.gov/main/childcare/daycare\\_regulations.asp](https://ocfs.ny.gov/main/childcare/daycare_regulations.asp)

Programs serving youth age 13 and over must meet SACC requirements pertaining to buildings, equipment, discipline, fire protection and safety, sanitation, and supervision of children and youth. All programs must complete the SACC registration process, and all children, regardless of age, will be considered part of the program. Until the SACC registration process is complete, no child under 13 years of age may be served, and no costs for direct services provided to children under 13 years of age will be reimbursed. Eligible start-up costs may be reimbursed prior to obtaining a SACC registration, for expenses such as hiring of the program director, equipment, outreach, pre-enrollment efforts and initial hiring of staff. All expenses must be incurred after the start of the contract.

### **4.2 Accessibility of Web-Based Information and Applications**

Any web-based Intranet and Internet information and applications development or programming delivered pursuant to this procurement must comply with New York State Enterprise IT Policy NYS-P08-005, *Accessibility Web-Based Information and Applications*, and New York State Enterprise IT Standard NYS-S08-005, *Accessibility of Web-Based Information Applications*, as such policy or standard may be amended, modified or superseded, which requires that state agency web-based intranet and internet information and applications are accessible to persons with disabilities. Web content must conform to New York State Enterprise IT Standards NYS-S08-005 as determined by quality assurance testing. OCFS will conduct such quality assurance testing and the test results must be satisfactory to OCFS before web content will be considered a qualified deliverable under the contract or procurement.

## **5.0 PROPOSAL CONTENT AND SUBMISSION**

### **4.3 5.1 Technical Proposal Content/Work Plan (Amended 5/15/2019)**

The Program Work Plan/Narrative Describes the Overall Program Design

**NOTE:** This section describes the content requirements of the Work Plan and how to prepare your Work Plan to assist you with your application. Please refer to **Section 5.5 Proposal Submittal Process**.

The purpose of the Work Plan is to provide a clear description of what requested project funds will pay for, the expected outcomes for the proposed project services and the programmatic rationale for the proposed project budget. The Work Plan

must be in compliance with all applicable state and federal laws, rules, and regulations and be responsive to the desired outcomes identified in **Section 4.1 Desired Outcomes and Program Requirements** of the RFP and provide value to the OCFS mission. OCFS expects that all project services funded by this initiative will be designed to be culturally and linguistically competent and cost efficient. Appropriate planning and development activities must be conducted by applicants to promote responsiveness to the target population of this RFP. Services provided must accommodate cultural and linguistic requirements of the target population and/or community to be served.

Prior to entering their responses to the application in the GGS, applicants should create a word document from the Work Plan Template available in GGS and use it in preparing proposed responses to questions on the Work Plan (**See Section 5.4 Proposal Content.**) To use the Work Plan template:

1. Download the Work Plan template from the “Pre-Submissions Uploads” folder in your grant application.
2. Complete the Word document, and save it to refer to later when responding to questions as part of your proposal submission in the grants gateway system. This document **will not** be submitted into the GSS with your application.
3. Save the Work Plan for future reference, because if the applicant is awarded a contract, this document will be the basis for the Work Plan in the subsequent contract for services.

The Work Plan consists of the following sections:

- A. Community**
- B. Target Population(s)**
- C. Objectives, Tasks and Performance Measures**
- D. Proposed Project Description**
- E. Project Staff**
- F. Organization**

Your proposal will be rated based on your organization’s responses to the sections listed below. Please be sure to address all of the questions in each section comprehensively, yet succinctly. The number of points allocated to each area in the technical review appear in (parentheses) after each section below. OCFS reserves the right to add additional bonus points to the final score/rating for proposals that are responsive to **Section 2.2 OCFS Statewide Considerations**. RFPs that include the applicants’ ability to receive additional bonus points will state such in **Section 6.3 Bonus Points: RECC**.

**Guidelines for Each Section**

**A. Community (0-10 points)**

The proposal must clearly demonstrate the applicant's knowledge of the demographics, cultures, linguistic requirements, issues and service needs of the community to be served by the proposed after-school program.

- Describe the planning activities conducted that contributed to the development of the proposal. Identify resources reviewed or consulted to develop your proposal, e.g., county plans, goals and/or statewide needs assessment(s). Include trends that support the demand for the proposed after-school program services.
- Discuss how the proposed AASP relates to the overall needs of the community. Identify demographic data (inclusive of data on the community's racial and ethnic composition and information related to disconnected youth), and social, and economic changes that may be of significance to the community to that will receive after-school program services. To demonstrate the needs of communities and neighborhoods, the proposal could include the number of children using detention services, the number of children and families receiving TANF, the number of out-of-home placements of children, the number of children with incarcerated parents, and youth arrest rates, among others.
- Identify how the community was involved in planning for the proposed after-school program. Identify community agency partners that will assist with the after-school program, and community readiness to receive these services.

**B. Target Population(s) (0-10 points)**

- Describe the target population to be served. Include a description of the characteristics of the students who will be involved in the after-school program. Be specific about the estimated number of children to be served, including age, grade levels and their school or schools. When establishing the maximum anticipated daily attendance (MADA) for your program(s) demonstrate how you have determined that the number of children you can consistently serve is realistic.
- Describe how your Pregnancy Prevention strategy will focus on age appropriate factors that are common elements to teen pregnancy. Proposal should address the following: improving self-esteem, increasing decision-making skills, expanding awareness of opportunities with a sense of future aspirations, preparing for the world of work and increasing the ability of youth to assess how present actions impact on future responsibility.
- Demonstrate how you will engage disconnected youth, defined as youth who are re-entering the community from out-of-home placements and children of incarcerated parents. Describe how you will perform outreach to involve disconnected youth with special needs.

- Describe how you will engage individuals and/or families who are the ultimate recipients of the proposed services, and those for whom you want to affect some level of change in their status. Describe how you will perform outreach to involve youth and families.

### **C. Objectives, Tasks and Performance Measures (0-12 points)**

Provide the rationale for determining a baseline statement (the projected status of the population to be served in the program[s] without the intervention) on which the targets are based and a description of the methods and information sources that will be used to verify target attainment.

Program objectives must be consistent with the desired RFP outcomes in **Section 4.1 Desired Outcomes and Program Requirements** and address identified problems, conditions, needs and behaviors of the target population.

Objectives must:

- address at least one significant identified need of the target population(s) and describe how this significant need will be addressed;
- describe the expected results of the four required program outcomes in section 4.1 (changes in the condition, status or behavior of the target population: as opposed to the activities designed to produce those outcomes);
- demonstrate how the results will significantly contribute to the achievement of the desired outcomes. Describe clearly defined tasks that are measurable and achievable with the resources available to the program; and
- describe the appropriate and realistic methods to verify task achievement.

Prior to program implementation, OCFS may further refine successful applicants' performance targets.

### **D. Proposed Project Description (0-18 points)**

This section describes the specific service model, and how activities will be delivered by the after-school program.

- Discuss how the proposed AASP will address the status of the target population.
- Discuss which specific services, core features or essential elements will be funded by the proposed AASP. Include sufficient detail to demonstrate that the design and delivery of the program is likely to result in attainment of the performance targets you selected. Complete the **Attachment 3 - Program Activity Description**, which is to be uploaded to the "Pre-Submission Uploads" section of your online application.

- Identify plans for outreach, collaboration and coordination in and with the community. Cite any special outreach efforts the after-school program will conduct related to disproportionality and/or disconnected youth.
- Discuss how the after-school program will interface with other in-house services and services available in the community.
- Describe the role the target population had in the design of the program and why your design is the best way to achieve the expected objectives.
- Discuss cultural and linguistic considerations for the delivery of services to the target population.
- Discuss how you will obtain ongoing input regarding participant satisfaction with program services from the community.

**E. Project Staff (0-10 points)**

This section must provide a comprehensive overview of the proposed AASP’s staffing pattern, staff qualifications, staff development and project supervision.

When a school-age child care program is in operation, an adequate number of qualified staff must be on duty to protect the health and safety of the children in care. Below are the staffing requirements for this program.

**Minimum Supervision Ratios Based on Group Size**

AGE OF CHILDREN	TEACHER/CHILD MAXIMUM RATIO	MAXIMUM GROUP SIZE
through 9 years	1:10	20
10-12 years	1:15	30

The supervision ratios are as follows:

(1) for a child of school-age through the age of nine (9) years old:

(i) there must be one teacher for every ten (10) children;

(ii) the maximum group size is twenty (20) children.

(2) for children between the ages of ten (10) years old and twelve (12) years old:

(i) there must be one (1) teacher for every fifteen (15) children;

(ii) the maximum group size is thirty (30) children.

Group size and mixing different age children within groups:

(1) Group size refers to the number of children cared for together as a unit. Group size is used to determine the minimum teacher/child ratio based upon the age of the children in the group.

(2) Group size must be maintained in common areas of the building and grounds.

(3) Groups of children may not be mixed together to use outdoor play areas, exercise areas, gym rooms or other common areas of the center unless the space is large enough to accommodate multiple groups which must be kept separate.

(4) When a school-age child care program cares for children in groups including children both over and under ten (10) years of age, the teacher/child ratio used must be that ratio applicable to the youngest child in the group.

- Describe the title and role of staff to be hired by the program, required staff qualifications, how staff orientation, training, and supervision of staff will be provided. When completing the budget, identify by title and number all staff to be assigned to this program. State whether they will be paid with requested program funds and briefly indicate their responsibilities.
- Describe how the staffing pattern for the proposed program is representative of the community, cultures and languages of persons targeted to receive services. Cultural competence and awareness are considered critical factors.
- Discuss what activities will be conducted to instill diversity and cultural responsiveness in program services.

#### **F. Organization (0-20 points)**

This section describes the history, attributes, and functions of the organization.

- Describe the history of your organization, experience working with the target population and provide evidence that it has the capacity and any required licenses to successfully manage the program. Indicate steps that will be taken to demonstrate readiness to implement the program on a timely basis.
- Describe the past accomplishments, special characteristics and resources of your organization that are predictive of your success in achieving the stated performance objectives.
- Describe what activities the organization has initiated to accommodate cultural and linguistic requirements of the community, and how the organization will

promote effective coordination with other key partners and service providers in the community to maintain this program.

- Describe how the management of your agency supports the proposal for this program including key personnel in the organization who are primarily responsible for delivering the program and reaching the performance objectives. Provide evidence of the organization's ability to hire and maintain staff.
- Provide an organizational chart that shows how this program fits into the organization's goals and mission. Also highlight personnel who are relevant to the operation of the after-school program and define their roles. Please upload this document to the "Program Specific Questions" section of your grant application.
- Describe how the partnership agreement between the applicant organization and the school demonstrate clear collaboration and that they understand the plan for the after-school program and have developed clear agreed upon steps for implementation.
- Describe the program site (school/community building) selection process, including the determining factors that demonstrate that it is a good, quality space that is safe and accessible; maximizes existing public investments, i.e., uses buildings and equipment that public dollars have already been used to create and sustain; and strengthens the link between home, school and the community.

**Please see** Section 10, PROGRAM-SPECIFIC REQUIREMENTS AND FORMS **for RFP attachments.** \* Attachments marked with an asterisk are required and must be completed and provided in your application submission. **In addition,** additional outcome categories deemed appropriate by the applicant must be included in their proposal.

## **5.2 Proposed Budget**

To complete the budget in the GGS, you must do the following:

1. **Download the budget from the "Pre-Submission Uploads" section** in your grant application;
2. Complete that document and upload (attach) your completed form to the **"Pre-Submission Uploads"** section of your grant application.

In addition to completing the attached budget forms and budget narrative, applicants must respond to the items below. To streamline the contract process, applicants are strongly encouraged to submit budgets that reflect realistic and necessary expenses and that include justifiable and allowable costs only (refer to budget instructions).

The budget should demonstrate a clear relationship between funds requested and the program activities and performance targets/outcomes. The amount of funds being provided as the match should be clearly described, including the source of the private funds and any timeframes or other related information accompanying the match (attach documentation verifying the details). Funds requested must be within RFP guidelines and are sufficient to comply with RFP requirements. Expenses must be realistic, reasonable, necessary, allowable and justified based on an annual program plan. Per participant costs must be reasonable (given resources, numbers to be served and performance measures).

**Please note: The budget submitted with this proposal must be for one 12-month contract period.**

Follow these instructions carefully as you complete the budget. The budget for this project must be in compliance with all applicable state and federal laws, rules, and regulations. Use the following directions to briefly describe the expenses included in each budget category. The detail requested is essential to expedite the contract process. Accuracy and completeness are critical.

Ensure the following:

- The cost of items is described in the budget narrative and for every line item of expense, the specific calculations for determining the total cost of each item is included in the narrative.
- All items covered by OCFS funds are directly related to the provision of services indicated in the proposal.
- All expenses are incurred *within* the contract period.
- All shared costs are prorated and the basis of the proration explained.
- Reimbursement for travel, lodging and mileage costs do not exceed the state rates currently in effect.
- All amounts listed on the budget summary form reconcile with the relevant budget narrative information.
- The total Grant Funds agrees with the amount requested on the Contract Face Page.

#### Non-Allowable Costs

The following items *cannot be included* as OCFS-funded costs within the project budget:

The following items *cannot be included* as OCFS-funded costs within the project budget:

- Rent or utilities in a public structure (e.g., a school building), purchasing land, or buildings, transportation expenses that are already included in a school district budget, or stipends\*. (*\*Stipend, in this RFP, means periodic payments to a child to attend the Advantage After School Program.*)

- Major capital expenditures such as acquisition, construction or structural renovation of facilities.
- Interest costs, including costs incurred to borrow funds.
- Costs for preparation of continuation agreements and other proposal development costs.
- Costs of organized fundraising.
- Legal fees to represent agency/staff.
- Advertising costs, except for recruitment of project personnel, program outreach and recruitment of participants.
- Entertainment costs, including social activities for program and staff, (unless directly associated with the after-school program).
- Costs for dues, attendance at conferences or meetings of professional organizations, (unless attendance is necessary in connection with the project).
- Construction/renovation work.

OCFS will not pay for costs incurred in the submission of a proposal and costs prior to the start date of the contract will not be reimbursable.

### Local Match

- **There is no local match requirement for this grant; however, OCFS suggests that all contractors provide a 25 percent local share to the amount of Advantage AASP funds requested. The contribution of local share is not considered as a rating factor.**
- This share may be from other governmental funding, schools, private funds, in-kind services and/or parental fees. While the value of donated program space is not considered as local share, the value of donated services related to the operation of the program, such as additional security and extended building cleaning services, may be included as part of the local share. The value of in-kind space for a public structure is not considered as a local share contribution. Transportation, capital improvement costs and the purchase of property may be included under local share as matching funds, if explained fully in the budget narrative.
- The suggested local share may include funds raised through local tax dollars, other government grants, philanthropic donations and parental fees. Locally matching funds may be used to support all aspects of the program - utilities, transportation, equipment, supplies, administration and staffing.

### Charging Fees

Organizations operating a program have the option of charging fees. If the program is considering charging fees, your program policy regarding fees as well as your fee schedule must be submitted to OCFS. The program must describe the procedures it will use so that the fees do not impose a significant barrier to youth enrolling in the program. Youth are not to be excluded based on their ability to pay. All fees received from youth attending the AASP must be used to support the

operation of that program within the contract year and must be listed in your program budget under local share.

## **A. Personal Services**

### **1. Personal Services - Personnel**

#### Personal Services (Salaries):

- List only staff positions included in the funded project.
- List the percentage of time each staff member will spend on this project.
- The percentage of time an employee is engaged in this project (or projects) cannot exceed 100 percent.
- List the base (annual) salary for each staff position. The base salary should reflect the employee's actual annual salary. The annual salary should be consistent across all projects that the employee's time is charged to.
- If a position has both administrative and programmatic responsibilities, show the position on two lines, one for programmatic responsibilities with associated percentage of time and one for administrative responsibilities with associated percentage of time. Identify administrative positions in the "Personal Narrative." The percentage of time for the position cannot exceed 100 percent.
- If the proposed project is currently operational, provide information on the percentage of salary increases, if any, included in the requested budget. Justification for raises must be provided. If you anticipate cost of living or merit raises during the contract year, include the increases in the base annual salary charged to the project and note the effective date of the raise.

Personal Services Salary Narrative: Give a brief description of the administrative or program related responsibilities of each staff position supported by the grant funds.

### **2. Personal Services – Fringe Benefits**

Fringe benefits should be budgeted in line with your organization's policy. The total fringe benefits chargeable to this contract should not exceed the current approved fringe rate, which can be found on the NYS Office of the State Comptroller's website at [Fringe Benefits](#). A higher rate may be considered with justification; any such justification must be included with your application.

#### Fringe Benefits Narrative:

- List the fringe benefit rate(s) and the positions to which the rate(s) apply.
- Provide a complete list of benefits used to calculate rate(s) (e.g., Social Security-FICA, NYS Unemployment Insurance-SUI; NYS Disability

Insurance and Worker’s Compensation). These can be listed on the extra lines under “Personal Services.” Be sure to clearly identify “Fringe.”

**Non-Personal Services (NPS)**

Use of MWBEs for Discretionary Purchases

Contractors are required to spend thirty percent of their discretionary budget through a New York State-certified Minority or Women-Owned Business Enterprise (MWBE) in compliance with Article 15-A of the NYS Executive Law. As your organization develops its NPS budget for this contract, you must identify the discretionary purchases that are subject to the MWBE goal (See section 7.10 for more information.) The following NPS budget categories are subject to the MWBE goal:

<b>NPS Budget Category</b>	<b>MWBE Goal</b>
1. Contractual/Consultant	Discretionary expenses in this category subject to MWBE goal
2. Travel	Non-discretionary - exempt
3. Equipment	Discretionary expenses in this category subject to MWBE goal
4. Supplies	Discretionary expenses in this category subject to MWBE goal
5. Other Expenses	
a. Space/Property (Own)	Non-discretionary - exempt
b. Utilities	Non-discretionary - exempt
c. Operating Expenses	Discretionary expenses in this category subject to MWBE goal
d. Printing Services	Discretionary expenses in this category subject to MWBE goal
e. Other Expenses/Miscellaneous	Discretionary expenses in this category subject to MWBE goal
f. Other Expenses/Miscellaneous – Administrative Expense	Non-discretionary - exempt

\*if M/WBE are not going to be utilized, you should include enough detail in the applicable Budget Narrative section(s) to show why that spending category should not be considered discretionary and counted toward your Goal (i.e. ‘there are no M/WBE vendors for this commodity/service in our area’ ‘we have established contracts with vendor xxx for this commodity/service...’ etc.). The M/WBE Compliance Unit may reach out to you for further details/explanations and justification if your narrative is not sufficient.

NPS Budget Categories

All budget items must be for commodities to be purchased during the contract period that in direct support of services related to the project; or for

contractual/consultant services to be rendered during the contract period that directly support the project.

## 1. Contractual/Consultant Services

This category includes costs for institutions, individuals or organizations external to the agency.

- Specify the services to be provided and indicate how the cost was determined.
- Delineate between administrative and program cost.
- If an award is made, the contractor must get prior written approval from OCFS for any agreement, or series of agreements, with a single subcontractor that exceeds \$50,000 or 50 percent of the total contract value during the contract term. The contractor must receive such approval prior to executing the subcontract agreement, implementing any activity under its term or expending contract funds under its term. Prior approval is also required for any cost or term amendment to approved subcontracts or as otherwise requested by OCFS. All subcontract agreements, regardless of dollar value, must be submitted to OCFS prior to claim for services being submitted.
- For office or other program space rental or lease include copy of rental or lease agreement and method of cost allocation of space.
- For equipment rentals:
  - Clearly describe item(s).
  - Include model # and specifications if possible.
  - Indicate term and rate of rental.
  - Provide a justification for the rental of all equipment by giving a brief description of the program related need supported by grant funds.
- Vehicle lease for participant travel, when such travel has been approved by OCFS, must be programmatically justified. A copy of the lease agreement must be provided to OCFS prior to claim payment. Also, the OCFS share of travel expense must be based upon state guidelines; payment cannot exceed the state rates currently in effect.
  - Explain the purpose of the travel.
  - Number of participants.
  - Estimated miles.
  - Frequency of travel (e.g., per day, per week).
  - Be as clear as possible in explanation of need and cost.
  - Show the percentage of time the vehicle will be used by the project and only include requested funds for this percentage.
- If a subcontractor or consultant expense is more than \$15,000, three written bids are required. If you are unable to obtain three written bids, a justification as to price reasonableness is required. If other than the lowest bidder was selected, please provide justification.
- If the consultant/contractor is reimbursed at an hourly rate, the hourly rate and the number of hours must be calculated accurately and be included in the budget narrative.

- Indicate whether consultant's rate includes travel and lodging.

## 2. Travel

- Travel costs include the following: air, train, bus and taxi fare; personal auto, parking fees, tolls, lodging and meals. Conference fees or outside training costs for staff to attend that are integral and essential part of this particular program and necessary in connection with the project to be funded.
- Explain which staff will be traveling and the destination, purpose, and frequency of travel.
- For local/day travel and extended travel, list the following for each trip: destination, length of stay, purpose, number of travelers, mode of transportation and its cost, meals and lodging costs.
- Includes staff travel only.
  - Consultant travel should be shown under the "Contractual/Consultant Services" category.
  - Client travel should be shown under the "Other Expenses" category.
- Reimbursement for travel, lodging, and mileage costs will not exceed the state rates then in effect.

**NOTE:** The OCFS share of travel expense must be based upon state guidelines; payment cannot exceed the state rates currently in effect. Refer to <http://www.osc.state.ny.us/agencies/travel/travel.htm>

- All out of state travel must be pre-approved by OCFS.

## 3. Equipment

This section is used to itemize the purchase of equipment.

- Equipment is defined as tangible personal property having an acquisition value of \$5,000 or more per unit.
- Obtain three written bids for any single item. If a bidder other than the low bidder is selected, a statement must be submitted explaining why that vendor was selected.
- Any budget requests for equipment purchase **using grant funds** must be fully explained and justified by program need. Note that equipment purchases are generally not allowed for a contract with a term of 12-months or less.
- Delineate between administrative and program costs.
- If the item is to be used by more than one program, the cost must be prorated.
- Explain the program function and need for each item. Be as specific as possible.
- Clearly describe each item, including type and cost.
- Vehicles cannot be purchased. They may be leased if required for program operation. If vehicles are leased, the costs must be listed under the "Contractual/Consultant Services" section of the

Equipment Narrative: Give a brief description of the program related equipment supported by grant funds. Include basis of allocation of costs between programs, if applicable.

#### **4. Supplies**

- List major supply items (used for office, program, janitorial, etc.)
- Supplies are defined as tangible personal property (including computers, computer equipment, tables, etc.) having an acquisition value of less than \$5,000 per unit. Obtain three written bids for any single item costing over \$2,500. Obtain three written or verbal quotes for any single item costing \$2,500 or less. If a bidder other than the low bidder is selected, a statement must be submitted explaining why that vendor was selected.
- Delineate between administrative and program items.
- Describe items to be purchased and provide details showing how estimated costs were developed.
- Justify these costs in terms of number of staff and programmatic functions, and how the request relates to service provision.

#### **5. Other Expenses**

“Other Expenses” are costs that do not fall under the previous budget categories. Examples are occupancy costs for owned buildings, utilities, operation expenses, printing services, allowable administrative overhead, and other miscellaneous expenses.

##### **a. Space/Property (Own)**

If the grantee owns the building, they must charge occupancy costs other than rental costs. Occupancy costs must be true costs made to a third party, for example, mortgage payment (exclusive of property/school taxes), cleaning costs, snow removal and general maintenance.

- Provide description of space.
- Provide justification.
- Provide itemization of total costs.
- Provide method of cost allocation of space.

Space/Property Own Narrative: Provide a detailed explanation of all space and property costs supported by grant funds.

##### **b. Utilities**

Provide a budget line for each utility cost. This may include electric, heat, telephone, other communication services and internet.

Utilities Narrative: Provide a detailed explanation of all utility costs and how costs here are allocated to this grant.

**c. Operating Expenses**

This section is used to itemize costs associated with the operation of the program, including but not limited to, insurance, bonding, photocopying and advertising. Provide a budget line for each item.

Operating Expenses Narrative: Provide a detailed explanation of each operating expense and how costs here are allocated to this grant.

**d. Printing Services**

- All agencies and subcontractors must make reasonable efforts to secure the lowest responsible bidder for printing services.
- In instances where the cost of a printing job exceeds \$5,000, documentation of three (3) telephone bids is required showing that the lowest cost source has been used. This information must be provided with the *payment* claim. The state strongly encourages the participation and utilization of minority and women-owned printing firms.
- Program materials printed using these funds must be pre-approved by OCFS.

Printing Services Narrative: Provide a detailed explanation of all printing expenses.

**e. Miscellaneous Expenses**

- Food and refreshments are not allowable expenses for staff.
- Include items that are not applicable under any other category and that are directly related to the services to be provided.
- These items may include postage, client travel, shipping, delivery and messenger services audio-visual services, (see note below for more specific instructions), materials, development costs, advertising costs for recruiting new hires, books, journals, periodicals, computer time and library services.
- Information on these costs, including how the estimates were calculated (e.g., cost per hour, cost per page, cost per square foot, etc.) should be provided in the budget narrative.
- Delineate between administrative and program items.
- Itemize any additional miscellaneous expenses that are allowed for this project that do not fall under any other budget category.

Miscellaneous Expenses Narrative: Provide a detailed explanation of each miscellaneous expense.

**f. Administrative Expense**

This category cannot include any items directly charged in other budget categories. Include the base on which the administrative expense will be charged.

**Total administrative costs are limited to 15 percent of the total grant award.**

**A. For Federally Funded Awards**

For federally funded contracts (includes any contract supported in whole or in part with federal funds):

- OCFS will reimburse the federally approved indirect cost rate for federally funded contracts up to any statutory caps required by the funding streams and in accordance with the terms and conditions of the federal award. A copy of the federally approved indirect cost agreement, with narrative, addendum, and an expiration date must be submitted as part of the proposal.
- If your agency does not have a federally approved indirect cost agreement, and your agency is a non-federal entity that has never received a negotiated indirect cost rate, except for a governmental department or agency unit that receives more than \$35 million in direct federal funding, you may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) or you may elect to follow the rules for State-Funded Awards in 2. below. Please see federal regulations at 2 CFR 200.414(f) for the applicable legal requirements for this option.
- MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward. MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000.
- Use of a federally approved indirect cost rate, or the de minimis rate, as described above, if applicable, must be in accordance with all applicable federal rules to include 2 CFR Part 200.

All costs claimed under the contract must be directly attributable to the project. State Finance Law and Generally Accepted Accounting Principles require that any expense incurred over more than one funding source or program must be charged proportionately, and the method of allocation must be documented.

**B. For State-Funded Awards**

Total administrative expenses are limited to 15 percent of the grant award, less expenses for equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subcontract in excess of \$25,000.

- Administrative expenses include, but are not limited to
  - that portion of the salaries and benefits of staff performing administrative and coordination functions that cannot be attributed to particular program services, including but not limited to the executive director or chief executive officer, financial officers such as the chief financial officer or controller and accounting personnel, billing, claiming or accounts payable and receivable personnel, human resources personnel, public relations personnel, administrative office support personnel, and information technology personnel, where such expenses cannot be attributed directly to the provision of program services;
  - that portion of expenses for office operations that cannot be attributed directly to the provision of program services, including telephones, computer systems and networks, professional and organizational dues, licenses, permits, subscriptions, publications, audit services, postage, office supplies, conference expenses, publicity and annual reports, insurance premiums, equipment that is expensed (rather than depreciated) in cost reports, where such expenses cannot be attributed directly to the provision of program services; and
  - up to the first \$25,000 of each subcontract.
- Indirect costs are considered in the total administrative costs for this project (indirect cost plus any directly charged administrative personnel, related fringes and non-personal services).
- Some common methods of allocating indirect costs are based upon time, space, units of service or percentage of funding.
- All administrative costs must be individually identified

All costs included in the direct cost categories must be directly attributable to the project. State Finance Law and Generally Accepted Accounting Principles require that any expense incurred over more than one funding source or program must be charged proportionately, and the method of allocation must be documented.

## **6. Discretionary Budget Narrative Worksheet**

On this worksheet (Attachment B – Budget Summary) you record the total amount of your discretionary budget that will be spent through a New York State-certified Minority or Women-Owned Business Enterprise (MWBE). The total budget amount for budget categories that are considered

discretionary are recorded on in the “Total OCFS Funds” column of this worksheet as you complete the other parts of the budget.

- In the right-hand column, enter the “Total Discretionary Funds” that are subject to the MWBE spending goal.
- For any category where the “Total Discretionary Funds” is less than the “Total OCFS Funds,” provide an explanation in the appropriate category of the amount excluded and why it is non-discretionary.
- The amount that you must spend with an MWBE will automatically be calculated.

**Please note that when you are completing the budget in the Grants Gateway, you are required to upload the budget document into the “Pre-Submission Uploads” section of your application. Please be aware that this document must be converted to a PDF before it can be uploaded to the system.**

### **5.3 Key Concepts**

#### **A. Working in Partnership with Local Schools and Others**

The applicant organization, the school, as well as organizations such as businesses, institutions of higher learning, law enforcement, museums, libraries, arts, athletic, civic, faith, and other organizations must form a partnership. Representatives from across the community will allow for the incorporation of all agendas into the program, guaranteeing stronger commitment to the desired outcomes, achievable objectives, coordination of services and community input. Strong parental involvement is critical. A broad collaboration allows for the differences within the community to balance strengths against weaknesses, bringing more diversity to the program by utilizing the strengths of community.

There must be clear evidence of the collaboration between the applicant organization and the school. This relationship between the school and the applicant organization is one of the most critical elements to be evaluated. Both the school and the applicant organization must be able to demonstrate that they understand the plan and have developed clear agreed upon steps for implementation.

#### **B. Children and Youth, Students**

In this document, the terms “student” and “youth” are synonymous. They include all young people who are eligible for enrollment in full-day school.

#### **C. Youth Development**

Youth development is a policy perspective that emphasizes providing supports and opportunities to assist all young people in developing a sense of competence, usefulness, belonging, and empowerment. While individual programs can provide youth development activities or services, this works best when entire communities work in concert to offer youth a variety of positive opportunities. Youth development

also involves strengthening families and communities, and involving young people in those efforts.

The activities must include a wide range of flexible, developmentally appropriate, programming for recreation, educational and cultural enrichment, the arts and community service. Other appropriate activities include computer literacy, technical skills enhancement and homework help as well as access to the school library. Older youth should be provided opportunities to mentor younger children, and should receive assistance in preparing for college, technical careers and employment.

The development of the program activities must be determined based on youth and parental involvement, as well as facility resources and community needs. This input will determine whether the program includes, for example, gym, swimming, remedial tutoring, crafts, homework centers, arts, dance, music, and other enhancing experiences for children. Programs to address particular risk areas such as teen pregnancy, cultural education and drug/alcohol/tobacco prevention may be provided. Nutritious snacks are a requirement.

#### **D. Community Service/Service Learning**

Service Learning is a teaching/learning method that connects meaningful community service experiences with academic learning, personal growth, and civic responsibility. Service learning makes a deliberate connection between service and learning opportunities, which are then accompanied by conscious and thoughtfully designed occasions for reflecting on the service experience. It is a method whereby students learn and develop through active participation in thoughtfully organized service that is conducted in and meets the needs of communities. Service learning is coordinated with an elementary school, secondary school, institution of higher education, or community service program and the community. It is integrated into, and enhances the academic curriculum of, the students, or the education components of the community service program in which the participants are enrolled.

Examples of service-learning projects include: preserving native plants, designing neighborhood playgrounds, teaching children to read, testing the local water quality, creating wheelchair ramps, preparing food for the homeless, developing urban community gardens, starting school recycling programs, and many more. Whether the goal is academic improvement, personal development, or both, students learn critical thinking, communication, teamwork, civic responsibility, mathematical reasoning, problem solving, public speaking, vocational skills, computer skills, scientific method, research skills, and analysis.

#### **E. Non-School Hours**

It is after school, between the hours of 3 p.m. and 6 p.m. when youth are more likely to engage in risky behavior. The AASP must be available at least three (3) hours directly after the school day ends. Programs are encouraged to extend their hours into the evening, particularly when serving older adolescents and for weekdays during the regular school year when classes are not in session.

Funds for this program are not available for regular weekend and summer programs. However, funds may be used for up to three (3) scheduled weekend activities/events each contract year with prior approval.

## **F. Required Outcomes and Performance Targets**

Outcomes are the desired benefits or changes for the target population after involvement with a program; they are the expected results of program intervention. Outcomes may relate to knowledge, skills, attitudes, values, behavior or condition. Outcomes are broad long term, expectations for benefit or change. They are more general than performance targets and do not require numerical projection.

Performance targets are the measurable improvements in the condition or behavior of the target population that the program intends to achieve by the end of the contract period. Targets are quantifiable and verifiable indicators of program performance. Attainment of several performance targets may be needed to indicate the achievement of a single outcome. Performance targets can be either an increase in a positive behavior or condition, or a reduction in a negative or destructive behavior or condition. A program's success is measured by how well it achieves its performance targets through verifiable means.

For the AASP, you are to develop performance targets for child performance, youth involvement and parent/guardian involvement. This involves describing changes in students' and parents' skills, behaviors and attitudes that can realistically be expected as a result of the delivery of your after-school program. Create a way to measure these changes by using existing targets if available and suitable. Measurement tools may include surveys, interviews, regular recorded observations, and/or tests.

Parental involvement and satisfaction targets are included because of their correlation with high quality, after-school programs. High quality programs actively include parents and have a higher level of parental involvement than lower quality programs. School grades will require information-sharing with the school, which may prove difficult in some situations. In these cases, parents will be asked to provide their assessment of student performance rather than actual report cards.

## **G. Safe Environment**

To be successful, the program location must be in a safe, stable atmosphere. Children must be safe and secure. Unauthorized people must be prevented from entering the premises, and the program must have a general philosophy that disruptive and violent acts will not be tolerated. There must be clear rules that establish boundaries for all. The rules must be distributed and enforced, while providing alternatives that allow continuing participation for youth displaying problem behaviors.

## **H. Youth and Family Involvement**

The importance of family involvement is key. Parents and family members need to be welcome within all aspects of the programs. Parents are major assets as role models and as a vehicle for tying the school and the after-school program to the community at large. Parents bring a family awareness to the program. Parents are one of the key elements of any collaboration.

The program must be designed to welcome families at all times, assuring that a positive relationship is maintained between the parent, the school and the community organization.

To promote the development and enhancement of effective after-school programs, applicants must submit proposals that reflect strong involvement of youth, families and communities. Building on that involvement, collaborative planning efforts, program activities, leadership and diverse community input will be considered key components of the AASP model.

There are major advantages of youth, family and community involvement. Programs are more likely to:

- be strength-based and asset driven;
- involve positive role models and mentors;
- be designed based on best practices as defined by involved youth, families and diverse community input;
- be culturally relevant and appropriate;
- incorporate the involvement of neighborhood and community-based partners, and other service providers to form networks of comprehensive services and activities; and
- support sustained interaction between youth, parents, caretakers, program staff, teachers and school personnel and other critical partners.

## **I. Location**

Most AASPs are located in schools. In some cases, however, communities have unique situations where the environments and equipment available in the school are not suitable for after-school programming and other facilities in the community are. In some communities, the school is not located in a place that is near where youth live but another place is. Transportation issues may suggest a school-linked program makes more sense than a school-based program. In all cases, the connection between the school program and the after-school program must be clearly shown regardless of the setting. Real school-community collaboration is a firm expectation of an AASP.

After school programs must be located in spaces that:

- offers safety and accessibility;
- maximize the public investment by making use of underutilized publicly funded spaces like schools, libraries, museums and community centers; and
- strengthens the links between home, school and community.

Certain conditions must be taken into consideration, including:

- health and safety requirements,
- appropriate outside area,
- inside space for recreation,
- access to a library and computer technologies,
- space for quiet programs,
- accessibility,
- licensing requirements being met or addressed; and
- transportation.

To assure the maximum utilization of resources in the community, all cultural and other resources in the community or neighborhood should be part of the program.

Partnership Agreement with Local Schools: There must be clear evidence of the collaboration between the applicant organization and the school. The relationship between the school and the applicant organization is one of the most critical elements in operating a successful program. Both the school and the applicant organization must be able to demonstrate that they understand the plan and have developed clear agreed upon steps for implementation.

Community-Based Organizations: For the purposes of this RFP, these are not-for-profit organizations that work at a local level to improve life for residents. This focus is to build equality across society in all streams – health care, environment, quality of education, access to technology, access to spaces and information for the disabled, and more.

#### 5.4 Proposal Content

The proposal will consist of responses to the following questions in the Grants Gateway. These will be found in the “**Program Specific Questions**” section of the online application.

Applicants must complete all of the following program questions and provide all required uploads for the application to be considered complete. Please note that all questions in the Grants Gateway will only allow one document to be uploaded per question. The Reports/Multiple documents should be combined into ONE SINGLE FILE no larger than 10MB in size. If this is not possible, it is permissible to submit additional uploads to the “**Grantee Document Folder**”. Please ensure all uploads are clearly identified and labeled. DO NOT UPLOAD PASSWORD PROTECTED OR SECURED DOCUMENTS. ENSURE ALL PASSWORDS ARE REMOVED PRIOR TO UPLOADING IN THE GRANTS GATEWAY.

#### Administrative Questions

Unless specified otherwise, required documents must be uploaded as an attachment in the “**Program Specific Questions**” section of the Grants Gateway System as part of your response to applicable questions. If there are insufficient upload slots, it is permissible to submit additional uploads to the “**Grantee Document Folder**”. Please ensure all uploads are clearly identified and labeled.

No.	Question	Yes/No
i.	Is the applicant a not-for-profit organization? Community-based organizations with not-for-profit status are eligible to apply. <b>Please note:</b> For-profit organizations, municipal agencies, public school systems, and government entities <b>are not eligible to apply.</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No *
ii.	Have you uploaded the required signed partnership agreement(s) for each site (maximum of two per region per	<input type="checkbox"/> Yes <input type="checkbox"/> No *

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	application) in accordance with the specific requirements outlined in <b>Section 2.3 Purpose and Funding Availability</b> and <b>Section 3.1 Minimum Qualifications</b> ?	
iii.	Have you provided a School Age Child Care (SACC) registration if serving children under the age of 13? If you do not have this registration, and are proposing to serve children under the age of 13, do you agree to obtain a SACC registration if selected for award prior to providing services?	<input type="checkbox"/> Yes <input type="checkbox"/> No * <input type="checkbox"/> N/A
iv.	Do you agree to comply with all applicable statutes and regulations, provide all required notices to parents and providers, utilize all required agency forms and notices, and further agree that ALL additional program proposed forms and documentation will be reviewed and approved by OCFS prior to their use by the selected applicants?	<input type="checkbox"/> Yes <input type="checkbox"/> No *
v.	Are you prequalified, if not exempt, in NYS Grants Gateway by the application deadline? (See <b>Section 3.2 Prequalification Process.</b> )	<input type="checkbox"/> Yes <input type="checkbox"/> No * <input type="checkbox"/> N/A
vi.	Have you completed the Vendor Responsibility Questionnaire and has it been certified within the past six (6) months? (see <b>Section 3.3 Vendor Responsibility Requirements</b> )	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
vii.	Have you provided the name, mailing address, and phone number of the executive director of your organization who should receive notification of award/non-award?	<input type="checkbox"/> Yes <input type="checkbox"/> No
viii.	Have you provided the email address of the executive director of your organization who should receive notification of award/non-award?	<input type="checkbox"/> Yes <input type="checkbox"/> No
ix.	Have you provided the name, title, mailing address, and phone number of a second individual in your organization who should receive notification of award/non-award?	<input type="checkbox"/> Yes <input type="checkbox"/> No
x.	Have you provided the email address of a second individual in your organization who should receive notifications regarding this proposal?	<input type="checkbox"/> Yes <input type="checkbox"/> No
xi.	Is your Charities Registration current?	<input type="checkbox"/> Yes <input type="checkbox"/> No
xii.	Do you understand that awards made in response to this RFP will be limited to a maximum of three (3) per eligible applicant, separate proposals must be submitted for each region that an applicant proposes to serve, and that each application may propose to serve a maximum of two (2) program sites within the same region? (See <b>Section 2.3 Purpose and Funding Availability</b> and <b>Section 6.2, Evaluation Process.</b> )	<input type="checkbox"/> Yes <input type="checkbox"/> No
xiii.	Do you certify under penalty of perjury that, by submission of this bid, each bidder and each person signing on behalf of any bidder, and in the case of a joint bid each party thereto as to its own organization, has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees, and that such policy does, at a minimum,	<input type="checkbox"/> Yes <input type="checkbox"/> No

	meet the requirements of section two hundred one-g of the labor law? Please note that a bid will not be considered for award nor will any award be made to a bidder who is not able to make this certification in compliance with State Finance Law section 139-l; provided, however, that if the bidder cannot make the foregoing certification, such bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons thereof.	
<b>xiv.</b>	Do you understand that, at a minimum, AASP must operate at least a five-days-a-week/three-hours-a-day directly after school ends? The requirement is that these programs will enroll a group of children or youth who will attend the program daily during the school year. Programs are encouraged to extend their hours into the evening, particularly when serving older adolescents, and for weekdays during the regular school year when classes are not in session. Funds are not available for regular weekend and summer programming. However, funds may be used for up to three (3) scheduled weekend activities/events annually with prior approval. Funds must also not be used to support an existing Empire State Afterschool site.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>* A “No” response to administrative questions i. through v. of this section or failure to submit the required documentation with your application will result in disqualification.</b></p>		

**Work Plan Questions (Up to 80 points)**

The Work Plan Template is available in the “**Pre-Submission Uploads**” section of the Grants Gateway System. Use this document to help prepare proposed responses to the “**Program Specific Questions**” section of your application in the Grants Gateway System. The Work Plan Template will not be uploaded or submitted with your application.

Please refer to **Section 5.1 Technical Proposal Content/Work Plan** for additional information and guidelines regarding these questions.

If any responses to individual questions exceed the 4000-character limit, please enter “See Attached Upload” in the text field for the response to that question, attach, and upload your complete and clearly labeled response to the “**Grantee Document Folder**” in your online application.

No.	Question	Max. Points
<b>A. Community (up to 10 points)</b>		
<b>1.</b>	Describe the planning activities conducted that contributed to the development of the proposal. Include the resources that were reviewed or consulted to develop your proposal, as well as, any trends that support the demand for the proposed Advantage After School Program services.	<b>2</b>

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2.	Demonstrate how the proposed Advantage After School Program relates to the overall needs of the community. Identifying demographic data, and social, and economic changes that may be of significance to the target community to receive after-school program services.	4
3.	Detail the communities' involvement in planning for the proposed after-school program. Identifying all community agency partners that will assist with the after-school program, and the community's readiness to receive these services.	4
<b>B. Target Population (up to 10 points)</b>		
1.	Describe the target population to be served. Include a description of the characteristics of the students who will be involved in the after-school program. Be specific about the estimated number of children to be served, including age, grade levels and their school or schools. When establishing the maximum anticipated daily attendance (MADA) for your program(s), demonstrate how you have determined that the number of youth that you can consistently serve is realistic.	2
2.	Describe how your Pregnancy Prevention strategy will focus on <b>age appropriate</b> factors that are common elements to teen pregnancy. Proposal should address the following: improving self-esteem, increasing decision-making skills, expanding awareness of opportunities with a sense of future aspirations, preparing for the world of work and increasing the ability of youth to assess how present actions impact on future responsibility.	2
3.	Demonstrate how you will engage disconnected youth. Describe how the program will perform outreach to involve disconnected youth with special needs.	4
4.	Describe how you will engage individuals and/or families who are the ultimate recipients of the proposed services, and those for whom you want to affect some level of change in their status. Describe how you will perform outreach to involve youth and families.	2
<b>C. Objectives, Tasks, and Performance Measures (up to 12 points)</b>		
1.	Identify at least one significant need of the target population(s) and describe how this significant need will be addressed.	2
2.	Describe the expected results of the four required program outcomes in section 4.1 (changes in the condition, status or behavior of the target population) as opposed to the activities designed to produce those outcomes.	2
3.	Demonstrate how the results will significantly contribute to the achievement of the desired outcomes. Describe clearly defined tasks that are measurable and achievable with the resources available to the program.	4
4.	Describe the appropriate and realistic methods that will be used to verify task attainment.	4
<b>D. Proposed Project Description (up to 18 points)</b>		
1.	Expound on how the proposed Advantage After School Program addresses the status of the target population.	2
2.	Explain which services, core features or essential elements will be funded by the after-school program; include details that demonstrate	4

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	how the design and delivery of the program will result in attainment of the performance outcomes identified. Complete the <b>Attachment 3 - Program Activity Description</b> , which is to be uploaded to the “ <b>Pre-Submission Uploads</b> ” section of your online application.	
3.	Outline the plans for outreach, collaboration and coordination in and with the community; include any special outreach efforts the after-school program will conduct related to disproportionality and/or disconnected youth.	4
4.	Discuss how the after-school program will interface with other in-house services and services available in the community.	2
5.	Describe the role that the target population had in the design of the program and why this approach is the best way to identify expected objectives.	2
6.	Discuss the cultural and linguistic considerations for the delivery of services to the target population.	2
7.	Describe how the applicant will obtain ongoing input regarding participant satisfaction with program services from the community.	2
<b>E. Project Staff (up to 10 points)</b>		
1.	Describe the title and role of the anticipated staff to be hired by the program. Include required staff qualifications and how staff orientation, training and supervision will be provided. Identify the number of staff, including titles, that will be assigned to this project. State whether they will be paid with requested program funds and briefly indicate their responsibilities.	6
2.	Demonstrate how the staffing pattern for the proposed program is representative of the community, cultures and languages of persons targeted to receive services. Note: Cultural competence and awareness are considered critical factors.	2
3.	Describe which activities will be conducted to instill diversity and cultural responsiveness in program services. Identify and explain each activity.	2
<b>F. Organization (up to 20 points)</b>		
1.	Describe the history of the organization. Include the experience the organization has with working with the target population. Provide evidence that the program has the capacity to manage the program. Indicate steps that will be taken to demonstrate readiness to implement the program on a timely basis.	4
2.	Describe past accomplishments, special characteristics and resources of your organization that are predictive of your success in achieving the stated performance objectives.	4
3.	Describe any activities that the organization initiated to accommodate cultural and linguistic requirements of the community. Include how your organization intends to promote effective coordination with other key partners and service providers in the community to maintain this program.	4
4.	Describe how the management of your agency supports the proposal for this program, include key personnel in the organization who are primarily responsible for delivering the program and reaching the performance	2

	objectives. Provide evidence of the organization’s ability to hire and maintain staff.	
5.	Describe how the organizational chart provided shows how the program fits into the organization’s goals and mission, highlighting personnel who are relevant to the operation of the afterschool program; define their roles. (Please upload the applicant’s organizational chart to the “ <b>Program Specific Questions</b> ” section of your online grant application.)	2
6.	Demonstrate how the partnership agreement between the applicant organization and the school show collaboration. Describe how the partnership agreement shows that the applicant organization and the school understand the plan for the after-school program and articulate the clear agreed upon steps for implementation that have been developed.	2
7.	Describe the program site (school/community building) selection process, inclusive of the determining factors, demonstrating that it is a good quality space that is safe and accessible. Describe how the program site maximizes existing public investments, and how this strengthens the link between home, school, and the community. Programs operated in school buildings are preferred. If the site is not a school building, provide appropriate justification for the location of the program.	2

**Budget Questions (Up to 20 points)**

Upload the budget into the Grants Gateway in accordance with the requirements of **Section 5.2 Proposed Budget**.

The budget template can be found in the “**Pre-Submission Uploads**” section of the RFP in the Grants Gateway System. The completed operating budget is uploaded as an attachment in the “**Pre-Submission Uploads**” section of your application.

**Please note: The budget submitted with this proposal must be for one 12-month contract period.**

To streamline the contract process, applicants are strongly encouraged to submit budgets that reflect realistic and necessary expenses and that include justifiable and allowable costs only. In addition to completing the budget forms and budget narrative, applicants must respond to the items below.

No.	Question	Max. Points
<b>G. Budget Section (Up to 20 points)</b>		
1.	There is a clear relationship between funds requested and the program activities and performance targets/outcomes.	5
2.	Funds requested are within RFP guidelines and are sufficient to comply with RFP requirements and includes sufficient funds to operate the program effectively.	5
3.	Expenses are realistic, reasonable, necessary, allowable, do not	5

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	exceed \$2,000 per child and are justified based on a one-year program plan.	
<b>4.</b>	Budget focuses on direct services rather than administrative expenses. Administrative costs may not exceed 15% of the budget. Outreach, training and education, and eligibility determination are NOT considered administrative costs.	<b>5</b>

## 5.5 Proposal Submittal Process

### How to Submit a Proposal

In order to access the online proposal and other required documents such as the attachments, you must be registered and logged into the NYS Grants Gateway system <https://grantsgateway.ny.gov> in the user role of either a “Grantee” or a “Grantee Contract Signatory.” For tutorials (training videos) on using the Grants Gateway, refer to: <https://grantsmanagement.ny.gov/videos-grant-applicants>.

**Note: Only users logged in with the following roles can submit the application for review: (1) Grantee Contract Signatory; and, (2) Grantee System Administrator. Proposals must be submitted online via the Grants Gateway by the date and time indicated in Section 1.2 Calendar of Events of this RFP.**

Please visit the Grants Management website at the following web address: <https://grantsmanagement.ny.gov/> for information on the process.

To find the Request for Proposal, log into the Grants Gateway and from the Welcome Page, click “Browse Now!” under “Browse,” then do one of the following:

- Click the link for the opportunity; or
- Search for the opportunity by selecting the Office of Children and Family Services as the “Funding Agency” and pressing the “Search” button.

Once you locate the solicitation you are looking for, click on the name of that Grant Opportunity, and you will be taken to a summary page called *Grant Opportunity Portal – Grant Opportunity Profile*. You will see a brief description of the opportunity, a link to “View Grant Opportunity” (lower left of screen), or the option to click a link that will take you to the opportunity on an external website (upper middle of screen). Please note that even though you have access to the PDF of the RFP, all responses to the RFP must be answered in the GGS.

Please note:

- Late proposals may not be accepted.
- Proposals must be submitted into the **GGS only**.
- **Proposals may not be submitted via email, postal delivery, hand delivery, facsimile nor in hard copy format.**

### Helpful Links

Some helpful links for questions of a technical nature are below. Questions regarding specific opportunities or proposals should be directed to the OCFS contact listed in **Section 1.1 Procurement Contact** on page one of this RFP.

Grants Management Videos (includes a document vault tutorial and an application tutorial) are available on YouTube:

<https://grantsmanagement.ny.gov/videos-grant-applicants>

**Grants Gateway Help Desk: 518-474-5595**

Grants Team email: [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov)

(Proposal completion, policy, and registration questions)

<https://grantsgateway.ny.gov>

## **6.0 MINIMUM CRITERIA/EVALUATION PROCESS**

### **6.1 Minimum Criteria (Pass/Fail Review Criteria)**

Bidders must meet the Minimum Qualifications to submit a Proposal in accordance with **Section 3.1 Minimum Qualifications** and **Section 3.2 Prequalification Process**. Bidders not meeting these requirements will be disqualified from further consideration.

### **6.2 Evaluation Process**

Applications will be reviewed and scored by trained reviewers using a structured, pre-approved review instrument. The final score will be based on the average of the reviewer scores. Applications that receive an average score of a minimum of seventy-five points or more will be considered for funding. Award recommendations will be based on highest scoring applications within each region, except New York City, where applications will be separated into groups by borough being served and ranked by final average score.

In the event of a tie between two or more proposals, the applicant who scores higher for **Section 5.4B Target Population**, will be awarded. If the proposals are still tied, **the applicant who proposes to serve more children**, will be awarded.

### **Method of Award**

#### **Funding Allocations by Region/Boroughs**

Accepted applications will be ranked according to a final average score from highest to lowest within a region, except in New York City, where the final average score will be ranked from highest to lowest within each borough. The proposed AASP site address(s) will be used to assign the proposal to a region. Each proposal may propose up to two different sites for its afterschool program in the same contract. An applicant may not propose to serve sites in separate regions within the same proposal.

#### **OCFS Counties Listed by Region:**

Funds associated with this RFP will be allocated by region, except in New York City, where the funds will be allocated by borough. Listed below are the corresponding counties within each region.

**Albany Region:**

Albany, Clinton, Columbia, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, Washington

**Buffalo Region:**

Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, Wyoming

**Long Island Region:**

Nassau, Suffolk

**Rochester Region:**

Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Wayne, Yates

**Syracuse Region:**

Broome, Cayuga, Chenango, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Tioga, Tompkins

**Spring Valley Region:**

Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester

**New York City Region**, funds will be allocated by borough/county:

Bronx, Kings, Manhattan, Queens, Richmond

OCFS reserves the right to adjust the funding allocations based on program need and based on the total dollar value of the applications submitted in the respective regions and with respect to New York City, by borough.

If duplicate applications are submitted for the same site in the same school, OCFS reserves the right to eliminate the duplicate application with the lower score(s) from award. In the event of a tie score, funds will be awarded to the applicant requesting the least amount of funding.

**Please Note:** An applicant must submit separate proposals for each award and may receive up to **three (3)** awards from this funding opportunity. Separate proposals must be submitted for each region that an applicant proposes to serve. Each application may propose to serve a maximum of two (2) program sites within the same region.

OCFS reserves the right to make adjustments to the funding amount requested based on program need and based on the total dollar value of the applications submitted.

### 6.3 Bonus Points: RECC

Not applicable.

### 6.4 OCFS Procedure for Handling Debriefing Requests, Formal Protests and Appeals

#### A. Applicability

The intent and purpose of these procedures is to define the debriefing process, as well as the protest and appeal procedures. This includes the steps that must be taken when an interested party challenges a contract award from OCFS. These procedures shall apply to all contract awards made by OCFS.

#### B. Definitions

1. "Interested party" shall mean a participant in the procurement process and those whose participation in the procurement process has been foreclosed by OCFS.
2. "Contract award" shall mean a written determination from OCFS to an offerer, indicating that OCFS has accepted the offerer's bid or offer.
3. "Debriefing" is the practice whereby, upon request of a bidder, OCFS reviews with such bidder the reasons its bid was not selected for an award. OCFS views debriefing as a learning process so that the bidder will be better prepared to participate in future procurements.
4. "Formal Protest" shall mean a written challenge to an OCFS contract award.
5. "Procurement" shall mean any method used to solicit or establish a contract (e.g., invitation for bid, request for proposal, single/sole source, etc.)
6. "Protesting party" is the party who is filing a protest to the bid, contract award or other aspect of procurement.
7. "Formal protest determination" shall mean the determination of a formal protest by the associate commissioner for financial management of OCFS or his or her designee.
8. "Decision after appeal" shall mean the decision on the appeal of a formal protest by the executive deputy commissioner of OCFS or his or her designee.

#### C. Debriefing Request

In accordance with section 163 of the NY State Finance Law, OCFS must, upon request, provide a debriefing to any unsuccessful offerer that responded to the RFP, regarding the reasons that the proposal or bid submitted by the unsuccessful offerer was not selected for an award.

1. OCFS will provide notice in writing or electronically to all unsuccessful offerers that the offerer will not receive a funded award under the RFP. An unsuccessful offerer wanting a debriefing must request a debriefing in writing, within fifteen calendar days of receipt of the notice from OCFS that the offerer's proposal did not result in an award.
2. OCFS, upon receipt of a timely written request from the unsuccessful offerer, will schedule the debriefing to occur within a reasonable period of time following the receipt of such request. Debriefings will be conducted in-person, unless OCFS and the offerer mutually agree to utilize other means, including, but not limited to, telephone, video-conferencing or other types of electronic communications.
3. Such debriefing will include: (a) the reasons that the proposal, bid or offer submitted by the unsuccessful offerer was not selected for an award; (b) the qualitative and quantitative analysis employed by OCFS in assessing the relative merits of the proposals, bids or offers; (c) the application of the selection criteria to the unsuccessful offerer's proposal; and (d) when the debriefing is held after the final award, the reasons for the selection of the winning proposal, bid or offer. The debriefing will also provide, to the extent practicable, general advice and guidance to the unsuccessful offerer concerning potential ways that their future proposals, bids or offers could be more responsive.

#### **D. Formal Protest and Appeal Procedure**

Any interested party who believes that they have been treated unfairly in the application, evaluation, bid award, or contract award phases of the procurement, may present a formal protest to OCFS and request administrative relief concerning such action.

##### **A. Submission of Bid or Award Protests**

Formal protests concerning a pending contract award must be received within five (5) business days after the protesting party knows or should have known of the facts that constitute the basis of the formal protest. Formal protests will not be accepted by OCFS concerning a contract award after the contract between OCFS and the offerer who received the contract award has been approved by the NYS Office of the State Comptroller (OSC).

In addition, where a debriefing was requested, a bidder may file a protest within five business days from the debriefing (in addition to the original 10- day window from notice of award).

##### **B. Review and Formal Protest Determination**

1. Formal protests must be filed with the OCFS associate commissioner for financial management. Any protests filed with the OCFS program division responsible for the procurement will be forwarded to the associate commissioner for financial management. Copies of all formal protests will be provided by the associate commissioner for financial management to the OCFS Division of Legal Affairs and other necessary parties within OCFS, as determined by the associate commissioner for financial management.
2. Formal protests shall be resolved through written correspondence; however, either the protesting party or OCFS may request a meeting to discuss a formal protest. Where further formal resolution is required, the program division responsible for the procurement may designate a state employee not involved in the procurement ("designee") to determine and undertake the initial attempted resolution or settlement of any formal protest.
3. The OCFS program division responsible for the procurement will conduct a review of the records involved in the formal protest, and provide a memorandum to the associate commissioner for financial management or the associate commissioner's designee summarizing the facts, an analysis of the substance of the protest, and a preliminary recommendation including: (a) an evaluation of the findings and recommendations, (b) the materials presented by the protesting party and/or any materials required of or submitted by other bidders, (c) the results of any consultation with the OCFS Division of Legal Affairs, and (d) a draft response to the formal protest.
4. The OCFS associate commissioner for financial management or his or her designee shall hear and make a formal protest determination on all formal protests. A copy of the formal protest determination, stating the reason(s) upon which it is based and informing the protesting party of the right to appeal an unfavorable decision to the OCFS executive deputy commissioner, shall be sent to the protesting party or its agent within thirty (30) business days of receipt of the formal protest, except that upon notice to the protesting party such period may be extended by OCFS. The formal protest determination will be recorded and included in the procurement record, or otherwise forwarded to the OSC.

C. Appeal of Formal Protest Determination

1. If the protesting party is not satisfied with the formal protest determination, the protesting party **must** submit a written notice of appeal to the executive deputy commissioner of OCFS no more than fifteen (15) business days after the date the formal protest determination is sent to the protesting party.

2. The executive deputy commissioner or his or her designee shall hear and make a decision after appeal on all appeals.
3. An appeal may not introduce new facts unless responding to facts or issues unknown to the protesting party prior to the formal protest determination.

D. Reservation of Rights and Responsibilities of OCFS

1. OCFS 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.
2. If OCFS determines that there are compelling circumstances, including the need to proceed immediately with contract award and development of final contracts in the best interests of the state, then these protest procedures may be suspended and such determination shall be documented in the procurement record.
3. OCFS 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.
4. Unless a determination is made to suspend, modify or cancel the protested procurement action, or withdraw the recommendation of contract award, OCFS will continue procurement and contract award activity prior to the formal protest determination. The receipt of a formal protest will not otherwise stop action on the procurement and award of the contract(s) or on development of final contracts.
  - a. The procurement record and awarded contract(s) will be forwarded to OSC, and a notice of the receipt of a formal protest and any appeal will be included in the procurement record. If a formal protest determination, or a decision after appeal, has been reached prior to transmittal of the procurement record and the contract(s) to OSC, a copy of the formal protest determination or decision after appeal will be included in the procurement record and with the contract(s).
  - b. If a formal protest determination or decision after appeal is made after the transmittal of the procurement record and contract(s) to OSC, but prior to OSC approval, a copy of the formal protest determination or decision after appeal will be forwarded to OSC when issued, along with a letter either: a) confirming the original OCFS recommendation for award(s); b) modifying the proposed award recommendation; or c) withdrawing the original award recommendation.

- c. All records related to formal protests and appeals shall be retained for at least one (1) year following resolution of the formal protest. All other records concerning the procurement shall be retained according to the applicable requirements for records retention.

**E. Appeal to the Office of the State Comptroller**

If the protesting party is still not satisfied with the result of its protest after conclusion of the formal protest and appeal procedure described above, the protesting party may file a written appeal with the OSC within ten business days of the date the protesting party received OCFS's protest determination. An appeal to the OSC's Bureau of Contracts must be in writing and must contain the specific factual and/or legal allegations setting forth the basis upon which the protesting party challenges the contract award by OCFS. Such appeal must be filed with the director of the Bureau of Contracts at the NYS Office of the State Comptroller, 110 State Street, 11<sup>th</sup> Floor, Albany, NY 12236.

**7.0 MANDATORY CONTRACTING REQUIREMENTS**

**7.1 Contract Readiness**

New York State's Prompt Contracting laws require all state agencies to complete contract development and the signatory process within statutorily prescribed timeframes. Awardees must be available and prepared to respond within the required timeframes. If selected, awardees may be required to travel to Rensselaer, New York for contract development and will be expected to cover the costs of that travel. OCFS may rescind the awards of awardees who cannot satisfactorily complete the contracting process in order to commence services by the anticipated contract start date.

**7.2 Standard Contract Language**

The terms and conditions for all funded projects are specified in a detailed contract that must be signed by OCFS and approved by the New York State Office of the Attorney General (OAG) and the OSC before payments may be made. Contractor obligations or expenditures prior to the contract start date shall not be reimbursed. This RFP includes all relevant contract terms and conditions, which can be found in Section 8: CONTRACT DOCUMENTS. Upon contract award and completion of negotiations, OCFS will send successful awardees the complete contract for development and signature prior to submitting it to the OAG and to OSC for approval.

**7.3 Workers Compensation Insurance and Disability Benefits Coverage**

Sections 57 and 220 of the Workers' Compensation Law (WCL) and section 142 of the State Finance Law require that businesses contracting with New York State have and maintain and provide evidence of appropriate workers' compensation and disability benefits insurance coverage. If an award is made from this RFP, updated proof of coverage must be provided during contract development. Failure to submit the proof will delay the contract development process, and may result in the award being rescinded. Municipalities are not required to show proof of coverage.

**Please note: The ACCORD form is not acceptable proof of Workers' Compensation or Disability Insurance coverage.**

#### **A. Proof of Workers' Compensation Coverage**

To comply with coverage provisions of the WCL, the Workers' Compensation Board requires that a business seeking to enter into a state contract, or contract renewal, submit appropriate proof of coverage to the state contracting entity issuing the contract. To prove the awardee has appropriate workers' compensation insurance coverage, submit ONE of the following four forms:

<http://www.wcb.ny.gov/content/main/forms/AllForms.jsp>

- **Form C-105.2** - *Certificate of Workers' Compensation Insurance* issued by private insurance carriers, or **Form U-26.3** issued by the State Insurance Fund; or
- **Form SI-12** - *Certificate of Workers' Compensation Self-Insurance*; or **Form GSI-105.2** *Certificate of Participation in Workers' Compensation Group Self-Insurance*; or
- **CE-200** - *Certificate of Attestation of Exemption* from NYS Workers' Compensation and/or Disability Benefits Coverage.

#### **B. Proof of Disability Benefits Coverage**

To comply with coverage provisions of the WCL regarding disability benefits, the Workers' Compensation Board requires that a business seeking to enter into a state contract, or contract renewal, submit appropriate proof of coverage to the state contracting entity issuing the contract. To prove the awardee has appropriate disability benefits insurance coverage, submit ONE of these three forms:

<http://www.wcb.ny.gov/content/main/forms/AllForms.jsp>

- **Form DB-120.1** - *Certificate of Disability Benefits Insurance*; or
- **Form DB-155** - *Certificate of Disability Benefits Self-Insurance*; or
- **CE-200** - *Certificate of Attestation of Exemption* from New York State Workers' Compensation and/or Disability Benefits Coverage.

## **7.4 Confidentiality and Awardee, Contractor, Employee and Volunteer Background Checks**

OCFS is responsible for maintaining the safety of the youth served by OCFS programs.

- 7.4.1 **Confidentiality** - New York State law requires that any client identifiable information be kept confidential. Any awardee, or contractor, employee or volunteer of the awardee, who will be provided with confidential information of recipients served by the awardee must complete and sign form OCFS-4715, [Confidentiality Non-Disclosure Agreement](#). This form must be completed before the start date of the contract and before any such awardee, contractor, employee or volunteer is permitted access to youth served by an awardee or to any financial or client identifiable information concerning such youth. For additional information see Attachment A-1, **Section 7 Confidentiality and Protection of Human Subjects**, located at the link to a standard contract listed in section 7.2 above.
- 7.4.2 **Criminal History Background Checks** - Any awardee, or contractor, employee or volunteer of the awardee, who will have the potential for regular and substantial contact with youth in care or receiving residential services must be subject to background screening prior to hire or utilization in a position paid through this award. The screening must include a review of individuals' backgrounds through the following three (3) services: New York State Justice Center for the Protection of Persons with Special Needs Staff Exclusion List (SEL), New York Statewide Central Register of Child Abuse and Maltreatment (SCR); and a criminal history background check via a vendor that will submit information to both the division of criminal justice services and the federal bureau of investigation. Additional information regarding all three (3) services will be provided upon the grant of an award. Please note that the grant of an award may be negatively impacted if background checks reveal that an individual proposed to provide services is on the SEL, is the subject of any indicated reports of child abuse and maltreatment, or has convictions for one or more prior criminal offenses. Awardees are responsible for notifying OCFS if a background check reveals that a contractor, employee or volunteer of the awardee proposed to provide services has a criminal history. Any criminal history revealed as a result of such screening will be evaluated by OCFS pursuant to Correction Law Article 23-A, section 752 on a case-by-case basis taking into consideration the duties of the position and those factors set forth in Correction Law Article 23-A, section 753. OCFS will evaluate the results of the screening in accordance with Correction Law Article 23-A and notify the awardee of its determination. The awardee shall

be responsible for the cost associated with any required background screens of the individuals identified in this section.

#### **7.5 Charities Registration (not-for-profit corporations only)**

Not-for-profit vendors must be registered with the New York State Office of the Attorney General as a charitable organization, and the registration must be up to date at the time of contracting. Vendors must be sure all their documents are up-to-date and comply with the vendor responsibility requirements as outlined below. To determine the status of your charities registration information, contact:

[https://www.charitiesnys.com/RegistrySearch/search\\_charities.jsp](https://www.charitiesnys.com/RegistrySearch/search_charities.jsp)

#### **7.6 Federal Requirements (if federally funded)**

See Attachment A-2, *Federal Assurances and Certifications*, which is in the Master Contract for Grants and is referenced in **Section 8.0 CONTRACT DOCUMENTS**.

#### **7.7 Required Electronic Payments and Substitute Form W-9**

The Governor's Office of Taxpayer Accountability has issued a directive that all state agency and state authority contracts, grants and purchase orders executed after February 28, 2010 shall require vendors, contractors and grantees to accept electronic payment (e-pay).

As New York State proceeds with implementing the new Statewide Financial System (SFS), the OSC is preparing a centralized vendor file. To assist OSC in this project, vendors are directed to provide a *Substitute Form W-9* which includes the taxpayer identification number, business name, and business contact person. This data is critical to ensure that the vendor file contains the information state agencies need to contract with and pay vendors.

Please note that the contractor payee name and address provided to OSC for the epay program must match exactly the contractor name and address contained in the contractor's contract with OCFS. If these do not match, then a check is printed and mailed to the payee. Note that limited exemptions may be granted for extenuating circumstances.

Vendors should file a *Substitute Form W-9* with their Electronic Payment Authorization form.

Further information concerning these requirements, including forms and contacts for questions, can be found at the following links:

<http://osc.state.ny.us/vendors/epayments.htm>  
<http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>  
(Guide to Financial Operations)

## **7.8 Iran Divestment Act**

By submitting a bid in response to this solicitation or by assuming the responsibility of a contract awarded hereunder, bidder/contractor (or any assignee) certifies that it is not on the “Prohibited Entities List,” as defined by the *Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012* (the Act), which is posted on the OGS website at <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such contract any subcontractor that is identified on the “Prohibited Entities List.” Bidder/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 OCFS receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, OCFS will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased engagement in the investment activity that is in violation of the Act within 90 days after the determination of such violation, then OCFS 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, terminating the contract and/or declaring the contractor in default.

OCFS 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.

## **7.9 Statewide Financial System**

Recipients of grant awards must also be registered in the New York Statewide Financial System (SFS) Central Vendor Registry File and provide their identification number at the time of contracting. To register and for additional information on the vendor file, visit: [http://www.osc.state.ny.us/vendor\\_management/index.htm](http://www.osc.state.ny.us/vendor_management/index.htm)

## **7.10 Minority and Women-Owned Business Enterprises (MWBE) – Equal Employment Opportunity (EEO) - Requirements and Procedures**

**This section outlines contractor requirements and procedures for business participation opportunities for New York State-certified Minority and Women-Owned Business Enterprises (MWBE) and Equal Employment Opportunities (EEO) for minority group members and women. All forms can be found [here](#).**

### **7.10.1 New York State Executive Law (Article 15-A)**

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 OCFS 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 OCFS contracts.

### **7.10.2 MWBE Business Participation Opportunities – OCFS Established Goals**

For purposes of this solicitation, OCFS hereby establishes an overall goal of **30** percent for MWBE participation, **15** percent for New York State-certified Minority-Owned Business Enterprise (“MBE”) participation and **15** percent for New York State-certified Women-Owned Business Enterprise (“WBE”) participation (based on the current availability of MBEs and WBEs). A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, the respondent agrees that OCFS 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 OCFS 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. 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% of the total value of the contract.

### **7.10.3 Contract Compliance**

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 OCFS 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 OCFS.

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

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

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

- B. If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the OCFS a written remedy in response to the notice of deficiency to [mwbeinfo@ocfs.ny.gov](mailto:mwbeinfo@ocfs.ny.gov). If the written remedy that is submitted is not timely or is found by OCFS to be inadequate, OCFS 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.

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

- a) If a respondent fails to submit an MWBE Utilization Plan;
- b) If a respondent fails to submit a written remedy to a notice of deficiency;
- c) If a respondent fails to submit a request for waiver; or
- d) If OCFS 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 OCFS, 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 OCFS, by the 10<sup>th</sup> day

following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

#### **7.10.4 Equal Employment Opportunity (EEO) Requirements**

By submission of a bid or proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of Appendix A – Standard Clauses for All New York State Contracts including Clause 12 - Equal Employment Opportunities for Minorities and Women. The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements 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, as referenced in **Section 1.6 Submission of Proposals**, to OCFS with its bid or proposal.

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

Pursuant to Executive Order #162, non-grant contractors and subcontractors will also be required to report the gross wages paid to each of their employees for the work performed by such employees on the contract utilizing the Workforce Utilization Report on a quarterly basis.

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

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

### **7.11 Service-Disabled Veteran-Owned Business (SDVOB)**

[The Service-Disabled Veteran-Owned Business Act](#), signed into law by Governor Andrew M. Cuomo on May 12, 2014, allows eligible veteran business owners to become certified as a New York State Service-Disabled Veteran-Owned Business (SDVOB) in order to increase the participation of such businesses in New York State's contracting opportunities. The SDVOB Act, which is codified under Article 17-B of the Executive Law, acknowledges that SDVOBs strongly contribute to the economies of the state and the nation. Therefore, and consistent with its Master Goal Plan, OCFS strongly encourages vendors who contract with OCFS to consider the utilization of certified SDVOBs that are responsible and responsive for at least **six (6) percent** of discretionary non-personnel service spending in the fulfillment of the requirements of their contracts with OCFS. Such partnering may include utilizing certified SDVOBs as subcontractors, suppliers, protégés, or in other supporting roles to the maximum extent practical, and consistent with the legal requirements of the State Finance Law and the Executive Law. Certified SDVOBs may be readily identified through the directory of certified businesses at: [List of Certified NYS Service-Disabled Veteran-Owned Businesses](#).

### **7.12 Omnibus Procurement Act**

The Omnibus Procurement Act of 1992 requires that by signing a bid proposal, contractors certify that whenever the total bid amount is greater than \$1 million

1. the contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors on this project and has retained the documentation of these efforts to be provided upon request to the State of New York; and has
2. documented their efforts to encourage the participation of New York state business enterprises as suppliers and subcontractors by showing that they have done the following:
  - Solicited bids, in a timely and adequate manner, from ESD business enterprises, including certified minority/women-owned businesses; or
  - Contacted ESD to obtain listings of New York State business enterprises and MWBEs; or

- Placed notices for subcontractors and suppliers in newspapers, journals or other trade publications distributed in New York State; or
  - Participated in bidder outreach conferences; and
  - Provided a statement indicating the method by which they determined that New York State business enterprises are not available to participate on the contract as subcontractors or suppliers, *if the contractor has determined such*; and
  - Provided a statement verifying no intention of using subcontractors, *if the contractor has no such intention*.
3. The contractor has complied with the federal Equal Opportunity Act of 1972 (P.L. 92-961), as amended.
  4. The contractor will be required to notify New York State residents of employment opportunities by listing any such positions with the Community Services Division of the New York State Department of Labor, providing for such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The agency agrees to document these efforts and to provide said documentation to OCFS upon request.
  5. Bidders located in a foreign country are notified that the state may assign or otherwise transfer offset credits to third parties located in New York State, and the bidders shall be obligated to cooperate with the state in any and all respects in making such assignment or transfer, including, but not limited to, executing any and all documents deemed by the state to be necessary or desirable to effectuate such assignment or transfer and using their best efforts to obtain the recognition and accession to such assignment or transfer by any applicable foreign government.
  6. Bidders are hereby notified that state agencies and authorities are prohibited from entering into contracts with businesses whose principle place of business is located in a “discriminatory jurisdiction.” Discriminatory jurisdiction is defined as a state or political subdivision which employs a preference or price distorting mechanism to the detriment of or otherwise discriminates against a New York State business enterprise in the procurement of commodities and services by the same or a nongovernmental entity influenced by the same. A list of discriminatory jurisdictions is maintained by Commissioner of the New York State Empire State Development Corporation.

### **7.13 Executive Order Number 38**

On January 18, 2012 Governor Andrew M. Cuomo issued Executive Order No. 38 “Limits on State-Funded Administrative Costs & Executive Compensation,” which requires that state agencies establish limits on

state reimbursement of administrative and executive compensation costs for contracts and programs that provide direct services to clients. Contracts, payment requests and reporting must comply with this Executive Order. The Executive Order can be found at the following website address: <http://executiveorder38.ny.gov/>

LEGAL NOTICE: Based upon the April 8, 2014 decision in Agencies for Children's Therapy Services, Inc. v. New York State Department of Health, et al. ("ACTS"), covered providers conducting business in Nassau County need not file Executive Order No. 38 disclosures. For purposes of this notice, "conducting business" means having a place of business within Nassau County, providing program services or administrative services involving the use or receipt of state funds or state-authorized payments within Nassau County, or otherwise conducting business within Nassau County in relation to which executive compensation is paid. Please note that the ACTS decision is under appeal. Those affected by the ACTS' decision should periodically check the EO 38 website for updates regarding any changes to this notice.

#### **7.14 Executive Order Number 175 (If Applicable)**

In accordance with the requirements of Executive Order No. 175, Contractor will be expected to adhere to net neutrality principles in the provision of internet services under any Contract entered into as a result of this RFP, regardless of delivery method unless the director of contracts, or his/her designee as noted in **Section 1.1 Procurement Contact**, determines that adherence to net neutrality principles for a particular purpose is not in the best interests of the state. Nothing in this provision supersedes any obligation or authorization a provider of broadband Internet access service may have to address the needs of emergency communications or law enforcement, public safety, or national security authorities, consistent with or as permitted by applicable law, or limits the provider's ability to do so. As used herein, "net neutrality" means that Contractor will not block, throttle, or prioritize internet content or applications or require that end users pay different or higher rates to access specific types of content or application. For the purposes of this contract, the prohibition against blocking or throttling of internet content or applications does not apply to reasonable network management practices.

#### **7.15 Executive Order Number 177**

Executive Order 177, signed on February 3, 2018, by Governor Andrew M. Cuomo, directs New York State agencies and authorities not to enter into any contracts with entities that have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status, or

other protected basis. The Contractor must provide the EO 177 certification statement prior to any award being made by OCFS.

#### **7.16 State Finance Law §139-I; Statement on Sexual Harassment in Bids**

New York State Finance Law §139-I, effective January 1, 2019, requires, in relevant part, that “[e]very bid . . . made to the state or any public department or agency thereof, where competitive bidding is required by statute, rule or regulation, for work or services performed or to be performed or goods sold or to be sold, shall contain [a] statement subscribed by the bidder and affirmed by such bidder as true under the penalty of perjury. . . [that] ‘[b]y submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that the bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law.’ The Contractor must provide the foregoing certification prior to any award being made by OCFS. For additional guidance on drafting an appropriate sexual harassment policy and developing appropriate training please refer to State Finance Law §139-I and <https://www.ny.gov/combatting-sexual-harassment-workplace/employers#top>

#### **7.17 Other Requirements**

**Not applicable.**

### **8.0 CONTRACT DOCUMENTS**

The contract documents consist of the documents listed below.

1. Face Page
2. Signatory Page
3. NYS Standard Terms and Conditions (State of New York Master Contract for Grants)
4. Master Contract Attachment A-1 *Agency-Specific Terms and Conditions*
5. Master Contract Attachment A-2 *Federal Assurances and Certifications*
6. Master Contract Attachment B: Budget and Instructions
7. Master Contract Attachment C: Work Plan
8. Master Contract Attachment D: Payment and Reporting Schedule
9. Attachment MWBE: Minority and Women-Owned Business Enterprises

A copy of the NYS Standard Terms and Conditions (State of New York Master Contract for Grants) can be found on the Grants Management website at the following link: <https://grantsmanagement.ny.gov/system/files/documents/2018/09/sample-complete-nys-mcq.pdf>

**Required with bid submission (Please click the links below to download the required forms):**

- A. [OCFS-2633, MacBride Fair Employment Principles Certification Form](#)
- B. [OCFS-2634, Non-Collusive Bidding Certification](#) (Required by section 139d of the State Finance Law)
- C. [Attachment A-2, Federal Assurances and Certifications](#)
- D. For complete proposal and contract requirements for the Minority-and-Women-Owned Business Enterprises (MWBE) and Equal Employment Opportunity (EEO) requirements, refer to the [Attachment MWBE](#) that is referenced in section 7.10. The following are forms to be completed and submitted with your Administrative Proposal:
  - [OCFS-4629, Project Staffing Plan Form](#)
  - [OCFS-3460, Minority and Women-Owned Business Enterprises \(MWBE\) Equal Employment Opportunity \(EEO\) Policy Statement](#)
  - [OCFS-4631, MWBE Utilization Plan Form](#)
- E. [OCFS-2647, EO 177 Certification](#) (See section 7.15 for more information)

## 9.0 GLOSSARY OF OUTCOME-BASED CONTRACTING TERMS

**Fiscal Documentation:** Documentation necessary for payment.

**Grants Gateway:** The New York State Grants Gateway went into operation on May 15, 2013, and serves as the primary outlet for state agencies to post upcoming and available funding opportunities.

**Guide to Financial Operations (GFO):** This website was created as the central storehouse of OSC policies and is intended to replace individual OSC Bulletins. The GFO can be found at <http://www.osc.state.ny.us/agencies/guide/MyWebHelp>.

**Legal Documents:** Legally required application/contract components.

**Organizational Qualifications:** The organizational characteristics and capacity (e.g., agency mission, past accomplishments/experience in serving the target population or in providing similar services to a different population, experience in collaborating with community agencies needed for program success, key people, and fiscal capability) that are likely to result in successful performance target attainment.

**Baseline Estimate:** The projected status of the target population without the proposed intervention. A baseline is the best estimate, using prior program

experience, collected data, and/or research results, of what would happen to the target population without the program's intervention and its benefits. Projection should be numerical (a number or a percentage). A baseline estimate is required for each performance target.

**Outcomes:** The desired benefits or changes for the target population following their interaction with a program. These are the expected results of program intervention. Outcomes may relate to knowledge, skills, attitudes, behaviors or conditions. Either the investor or provider may set them. (They are broader, and more general than performance targets. They do not require numerical projection). In some instances the outcome may be a system change rather than an individual behavior change.

**Performance Targets:** Performance targets are the *measurable* verifiable improvements in the condition or behavior of program recipients that the provider expects to achieve *by the end of the contract period*. Targets are quantifiable and verifiable indicators of program performance. They contribute to the attainment of the desired outcomes for the target population. Attainment of several performance targets may be needed to indicate the achievement of a single outcome. Performance targets must include a description of the methods that will be used to verify target achievement.

**Milestones:** *Measurable interim* changes in the condition or behavior of the target population used to track whether the program is on course to achieve its performance targets. These are critical points of change or target population achievement that must occur to progress towards the performance targets. You must include a description of the methods that will be used to verify milestone achievement.

**Program Budget:** Definition of program expenditures and funding sources.

**Program Description:** Detailed explanation of the means (service model, plan or approach) the provider will use to achieve its performance targets and outcomes. This should include a description of the program's core features (i.e., the kinds of services provided, their intensity and duration, the essential elements, theoretical approach, delivery strategies, involvement of target population in planning, etc.).

**Project Work Plan:** Steps necessary to implement a program.

**Staffing Pattern:** Please identify the staff assigned to a program, regardless of whether it is paid through OCFS funds.

**Target Population:** Please describe the specific group of people (individuals, families, community members or, in certain instances, the specified personnel or entity/entities) that are the focus of change, and who will directly interact with the program. In certain instances where the desired outcome is systemic change, an agency as a whole may be considered the target population.

**Verification:** Statement of methods used to verify performance target and milestone attainment and/or submission of actual documentation.

**Vendor Responsibility:** Compliance with New York State Finance Law and guideline provisions related to vendor integrity providing reasonable assurance that the potential contractor has the capacity to perform the requirement of the contract. This includes authority to do business in the state, capacity and performance in addition to the aforementioned integrity.

**Vision:** OCFS Program Area Statement of ideal end-state sought for a population (e.g., prevention of child abuse and neglect).

## **10.0 PROGRAM-SPECIFIC REQUIREMENTS AND FORMS**

The following attachments can be found in the “Pre-Submission Uploads” section of the RFP in the Grants Gateway System. Please download them from that location, complete them, and attach them back to that section so that they will be submitted with your application:

**Attachment 1 – Budget Template\***

**Attachment 2 – Workplan Template** (for reference only)

**Attachment 3 – Program Activities Description\* (Submit for each site)**

**Attachment 4 – Required Performance Targets\* (Submit for each site)**

**Attachment 5 – Quarterly Work Plan\***

**Attachment 6 – Program Site Information\* (Submit for each site)**

**Attachment 7 – Partnership Agreement\* (Submit for each site)**

\* Attachments marked with an asterisk are required and must be completed and provided in your application submission.