

**New York State
Department of State
Division of Community Services**

**REQUEST FOR APPLICATIONS
RFA # 22-CSBG-16
Native American Tribes**

Important Dates:

RFA Release Date: July 13, 2022

Questions Due: July 27, 2022

RFA Updates Posted: August 5, 2022

Application Due Date: August 19, 2022

CONTACT INFORMATION

General Program Information/Inquiry	Proposal Submission
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I. Introduction

The New York State Department of State (DOS) Division of Community Services (DCS) presents an opportunity to provide Community Services Block Grant (CSBG) funding to Native American Tribes and Tribal Organizations within New York State. This Request for Applications (RFA) seeks Native American Tribes and Tribal Organizations to provide services, programs, and/or activities to assist in the reduction of poverty and to empower low-income individuals and families within New York State to become self-sufficient.

Background

CSBG is a federally funded block grant created by Congress to alleviate causes and conditions of poverty in communities and to empower low-income (as defined by the Federal Poverty Guidelines) individuals and families to move toward economic self-sufficiency. In New York State, pursuant to Article 6-D of the Executive Law, the Secretary of State is responsible for the administration of the CSBG, which includes allocation, distribution, and monitoring of funds. Within DOS, DCS is responsible for the management and oversight of CSBG. The CSBG funds are appropriated to provide assistance to States and local communities, working through a network of community action agencies, community-based organizations, other neighborhood-based organizations, and Native American Tribes and Tribal Organizations for the reduction of poverty, the revitalization of low-income communities and the empowerment of low-income families. In New York State's 2022-2023 CSBG State Plan, DCS has allocated up to 0.5% of total discretionary funds to be awarded to recognized Native American Tribes and Tribal Organizations.

II. Funding and Project Period

DOS is making available approximately 2 awards funded up to \$125,000 annually, utilizing CSBG funding (subject to the availability of funds) through this RFA. DOS will award these funds to support Native American Tribes and Tribal Organizations within New York State. Eligible applicants must be recognized, by either New York State or by the federal Department of the Interior, as a Native American Tribe or Tribal Organization. The initial contract period will be one year.

Upon successful completion, as determined by DCS, of the initial contract period an additional contract period of one year, may be awarded.

The CSBG funds are awarded to NYS by the Administration for Children and Families (ACF) of the United States (U.S.) Department of Health and Human Services (HHS). The awards are one hundred percent funded by federal CSBG dollars. The total projected award to NYS for 2022 is approximately \$63,788,299. The contents of this RFA are those of the author(s) and do not necessarily represent the official views of, nor an endorsement, by ACF/HHS, or the U.S. Government. For more information, please visit the ACF website at <https://www.acf.hhs.gov/administrative-and-national-policy-requirements>.

III. Eligibility/Minimum Requirements

1. Native American Tribes that are recognized by New York State or the federal Department of the Interior with a reservation wholly or partially within the boundaries of New York State who are not currently receiving federal CSBG funds are eligible to apply for funding in response to this RFA. Tribes that currently meet these criteria are:
 - a. Cayuga Nation
 - b. Oneida Indian Nation of New York
 - c. Onondaga Nation
 - d. Saint Regis Mohawk Tribe
 - e. Seneca Nation of Indians
 - f. Shinnecock Indian Nation
 - g. Tonawanda Band of Seneca

- h. Tuscarora Nation
 - i. Unkechaug Nation of Poospatuck Indians
2. Native American Tribal Organizations who are recognized by New York State or the federal Department of the Interior, and are not currently receiving direct federal CSBG funds, are eligible to apply for funding in response to this RFA.

Tribal Organizations must provide:

1. Proof of New York State or federal Department of the Interior recognition as a Tribal Organization. An example of this recognition may be a notice of grant award from the Department of the Interior to the Applicant on the basis of the Applicant qualifying as a Tribal Organization under that grant.
2. A copy of the Tribal Organization's organizational documents (charter, articles of incorporation, bylaws, etc.).
3. The full names of the Native American Tribe(s) with which the Tribal Organization is affiliated.
4. The full names of the Native American Tribe(s) proposed to be served.

In addition to the minimum requirements listed in #1 and #2 above, both Tribes and Tribal Organizations:

1. Must be registered in Grants Gateway (<https://grantsmanagement.ny.gov/>) on or before the application date.
2. Must agree to waive any claim of sovereign immunity for the limited purpose of enforcement of the contract that results from a successful application by selecting the appropriate box on Part B of the Application Form and submitting a signed Application Form.

Subcontracting

For applicants engaging subcontractors to work under this grant, the applicant must provide at least 50% of direct programming. All applicants intending to subcontract under this grant must complete and execute a letter of intent with each subcontractor that specifies all programs, services, and /or activities each partner agrees to provide. The letter of intent must be submitted with the completed application for all potential subcontractors.

If using an approved subcontractor, the applicant is responsible for the performance of any services provided by the subcontractor and must coordinate how each plan to participate.

In addition, the approved subcontractor is PROHIBITED from subcontracting with other recipients to deliver any programs, services, and/or activities under this award.

IV. Application Procedures

The application package is available at <https://dos.ny.gov/funding-bid-opportunities>.

RFA Questions and Updates

All questions regarding this RFA must be submitted in writing and received on or before the *Questions Due* date stated on the cover page of this RFA. Questions should be sent via email addressed to dos.sm.procurement@dos.ny.gov. When corresponding by email, clearly indicate the subject line as: 22-CSBG-16.

Where applicable, please refer to the RFA page number and section. No responses will be provided to inquiries made by telephone or social media.

Questions and answers will be posted on the RFA *Updates Posted* date as stated on the cover page of this RFA at the following URL address: <https://dos.ny.gov/funding-bid-opportunities>.

Application Submission

Applications must be received by the *Application Due* date listed on the cover page of this RFA. All applications must be complete to be considered for review. Late or incomplete applications will not be accepted or considered for review.

Electronic Applications

Applications may be submitted electronically. Electronic application forms should be signed and submitted in one Portable Document Format (PDF) document to DOS Procurement mailbox at dos.sm.procurement@dos.ny.gov. Applications should only be sent to the Procurement mailbox; no other DOS staff should be included on the submittal. The inclusion of any other DOS staff on the submittal may be considered a violation of Procurement Lobbying Law. DOS strongly recommends submitting electronic applications no later than two days before the due date in case there are technical difficulties with the submittal. DOS is not responsible for applications that are not received due to technical issues. DOS will confirm receipt of applications, but the Applicant is responsible for ensuring that their application was received. The applicants acknowledge and agree to waive all objections to the admissibility into evidence at any court proceeding or to use at any examination before trial of an electronic reproduction of their application regardless of whether the original of said application is in existence. Electronic applications must be received by 11:59 pm on the *Application Due* date listed on the cover page of this RFA.

Mailed or Hand Delivered Applications

Applications may also be mailed or delivered by hand. One complete original application and three exact copies of each application must be submitted (for a total of four copies) to the address listed on the cover page of this RFA. Applicants mailing their bid must allow sufficient mail delivery time to ensure receipt of their bid at the specified location, no later than the specified date and time. Delays in United States Postal Services or any other means of transmittal, including couriers or agents of the bidding entity shall not excuse late bid submissions. DOS will not be responsible for the actions of your chosen carrier. Hard copy applications submitted by mail or hand delivery must be received by 4:00 pm on the *Application Due* date listed on the cover page of the RFA.

V. General Program Services

The New York State Department of State (DOS), Division of Community Services (DCS) is offering a funding opportunity to federal, or state recognized Native American Tribes or Tribal Organizations. This funding opportunity is designed to focus specifically on providing programs, services, and/or activities to empower low-income families and individuals in New York to become self-sufficient and to alleviate the causes and conditions of poverty.

VI. CSBG Funding Activities

Programs, services and/or activities must have measurable outcomes that lead to alleviating the causes and conditions of poverty.

Program, services, and/or activities designed to assist low-income participants may include assistance to: secure and retain meaningful employment; attain an adequate education; make better use of available income; obtain and maintain adequate housing and a suitable living environment; obtain emergency assistance to meet immediate and urgent individual and family needs, including the need of health services, nutritious food, housing and employment-related assistance; remove obstacles and solve the problems which block the achievement of self-sufficiency; achieve greater participation in the affairs of the community; and make more effective use of other

programs related to the purposes of the CSBG Act (https://www.acf.hhs.gov/sites/default/files/documents/ocs/leg_title_icommunity_services_block_grant_act_10_271998.pdf).

VII. Eligible Expenses

The requirements for the use of funds include, but are not limited to, the following:

1. The federal Community Services Block Grant Act, 42 U.S.C. § 9901 et seq. and the regulations of the U.S. Department of Health and Human Services;
2. Article 6-D of New York State Executive Law and implementing regulations at 19 NYCRR Part 700;
3. The uniform administrative requirements, cost principles, and audit requirements for HHS awards, codified at 45 CFR 75;
4. The terms and conditions of the federal award, as amended, available here: <https://www.acf.hhs.gov/sites/default/files/documents//Mandatory%20GENERAL%20TERMS%20and%20CONDITIONS%20-%202021%20Update.pdf>; and specific to CSBG available here: https://www.acf.hhs.gov/sites/default/files/documents/community_services_block_grant_program_tc_addendum.pdf
5. The New York State Master Contract for Grants;
6. Grant funds shall only be used to support direct activities delineated in the program scope of this RFA focused on improving the lives of “low-income persons”, meaning those individuals or families with income levels at or below 125% of the Federal Poverty Guidelines. ***(If legislative action permits a state to adopt a percentage of poverty higher than 125% then DOS shall select the highest percentage of poverty permissible as a criterion of eligibility. Grantees will be notified if this percentage changes during the course of the grant.)*** Grantees will need to maintain documentation of income verification and provide it to DOS upon request; and
7. Organizations can apply a federally approved indirect cost rate, a proposed administrative rate, or a 10% de minimis rate towards this grant. If the organization elects not to use any of the rates listed above the organization may use a direct allocation. However, in these cases organizations must submit a detailed cost allocation plan documenting the methodologies to be used to allocate costs to this grant with their application. Administrative Expenses are those expenses authorized and allowable pursuant to applicable agency regulations, contracts or other rules that govern reimbursement with federal funds or State-authorized payments that are incurred in connection with the covered provider’s overall management and necessary overhead that cannot be attributed directly to the provision of program services. Please note that the grantee must retain backup documentation detailing how administrative funds were spent. This back up must be available for review by the Department of State personnel upon request.

VIII. Ineligible Costs

Ineligible costs will be removed from the proposed budgets prior to execution of the contract. Ineligible costs are those not adequately justified, unallowed, not properly allocated, unreasonable, or that do not directly support the project and include, but are not limited to:

1. Funds used to supplant other grant award funds, including any other DOS funding
2. Alcoholic beverages
3. Bad debts, including any related collection and legal cost
4. Charitable contributions and donations by the organization
5. Contingency reserves

6. Entertainment cost
7. Fines and penalties resulting from violations by the organizations or employees of Federal, State and Local laws and regulations.
8. Fund-raising cost incurred solely to raise capital or obtain contributions
9. Goods or services for the personal use of employees
10. Idle facilities, unless necessary due to fluctuations in workload
11. Insurance of lives of trustees, officers, or employees when the organization is a beneficiary
12. Losses from other awards
13. Memberships in country clubs, social clubs, or dining clubs
14. Funds used for voter registration, lobbying, or political activity, including activity covered by the Hatch Act
15. Promotional items and memorabilia; advertising costs designed solely to promote the subrecipient
16. Purchase or improve land
17. Purchase, construction or permanent improvement of any building or facility
18. Costs that do not directly support the project including incidental costs submitted to expend remainder dollars that are not in the direct delivery of services.
19. Taxes
 - a. Federal income taxes
 - b. Taxes for which exemptions are available to the organizations directly or via the Federal government

IX. Completing the Application

A complete signed application must be submitted via email in PDF format, OR one complete signed original application and three exact copies of each application (for a total of four copies) must be mailed or delivered by hand. Applications must be received by the *Application Due* date listed on the cover page of this RFA and by the times listed in Section IV. Applicants should refer to Section IV for additional details. Late and/or incomplete applications will not be considered.

The application and supporting documents will be evaluated using the evaluation criteria listed below in Section XI. Additional pages may be attached where necessary. Applicants should adhere to page limits noted in this RFA. Those pages submitted beyond the stated page limits will not be reviewed and scored.

Applications should be typed using Times New Roman 12pt font. Margins should not be narrower than 0.5 inches.

Applicants must meet the eligibility criteria outlined in Section III of this RFA.

Requirements for Submission

Applicants must respond using the Application Form (found in Appendix A) and submit all required attachments as described below. Please submit in the order specified below.

Overview

1. **Appendix A (Application Form):** Complete each section of the Application Form found in Appendix A.
2. **Proof of Eligibility/Minimum Requirements:** Applicants should submit Proof of Eligibility/Minimum Requirements as described in Section III of this RFA. This information should be submitted as “Attachment A: Proof of Eligibility/ Minimum Requirements”.
3. **Appendix B: MWBE Compliance Form:** Applicants should complete the MWBE Compliance Form found in Appendix B of this RFA and submit as “Attachment B: MWBE Compliance Form.”

Completing the Application Form

Part A: General Information: The applicant should complete the General Information section of the Application Form.

Part B: Applicant certifications, Attestations and Acknowledgements

The applicant must complete Part B of the application and sign the certification therein.

Part C: Organization History and Experience

The applicant must complete Part C of the Application Form, which includes responses to describe the below:

1. Programming that the organization currently provides, has experience providing or has an outlined plan to begin providing that includes programs, services, and/or activities to low-income individuals and families, as defined by the Federal Poverty Guidelines.
2. Accomplishments of their past and present programming in serving low-income individuals and families.
3. Current staffing and how the experience of the staff lends itself to the success of the organization's past and present programming serving low-income individuals and families.

Part D: Organization Capacity

The applicant must complete Part D of the Application Form, which includes responses to describe the below:

1. Plans to staff new programming or supplement existing programming in order to serve low-income individuals and families as defined by this RFA. Supplementary programs are subject to ineligible cost restrictions as identified in Section VIII.
2. How new programming or supplementation of existing programming targeting low-income individuals and families will align with overall organizational mission, goals, and outcomes.

Part E: Proposal Narrative

The applicant must complete Part E of the Application Form, and describe the below:

1. The need for the program, services and/or activities, including the number of potentially eligible participants.
2. How low-income individuals and families will be determined eligible to participate in the programs, services and/or activities.
3. Identify the programs, services and/or activities that will address the needs of the eligible low-income individuals and families. Proposals must describe whether the program, services and/or activities are new or expand an existing program.
4. How the organization plans to staff the programs, services, and/or activities proposed in their application, including whether the program, services and/or activities will require hiring additional staff.
5. How funds will be used to develop linkages to fill identified gaps in programs, services and/or activities.

6. Identify how programs, services, and/or activities will be measured for results and/or outcomes.

Part F: Program Work Plan

The applicant must complete Part F of the Application Form, including the following:

1. A work plan that identifies how the programs, services, and/or activities will be executed, and how funds will be used over the course of the contract.
2. The workplan must include approximate dates for: hiring, participant outreach, linkages that will support programming, and how the proposed programming will be evaluated.

Part G: Budget Summary and Narrative

The applicants must complete Part G of the Application Form, and include a detailed budget with expected costs for programming, and include a narrative for how the funds will be spent to serve the targeted population as described below:

1. Provide a detailed budget containing allowable, reasonable, allocable, and necessary costs.
2. Identify the use of one of the following:
 - a. An indirect cost rate using a pre-existing federal negotiated rate (a federally approved indirect cost rate letter must be attached).
 - b. A 10% de minimis rate (must be clearly stated on the budget summary page and detail the modified total direct costs used to calculate the de minimis rate).
 - c. A direct allocation methodology (must submit a detailed cost allocation plan documenting the methodologies to be used to allocate cost to this grant).
 - d. An administrative rate by providing supporting documentation.
3. The budget must provide a detailed description, clearly linking costs to specific proposed program, services and/or activities. The narrative must clearly justify all costs proposed in the budget as they directly relate to project costs outlined in the RFA and must not include any ineligible costs as described in Section VIII.

X. Evaluating the Application

Initial Screening:

Attachment A, Proof of Eligibility/Minimum Requirements, submitted with each application will be screened by DOS staff to determine if the application meets the minimum requirements listed in Section III of this RFA. In addition, each application will be reviewed to determine its completeness. Incomplete applications and applications that do not meet the minimum requirements outlined in Section III of this RFA may be disqualified; applicants will be notified of such disqualification. Applications that exceed the funding limits described in this RFA will be scored as submitted but will be reduced prior to contract execution.

Once an application is determined to pass the minimum requirements noted in Section III of this RFA, it will be reviewed for content. The corresponding values indicate the importance that DCS places on each evaluation criterion. **Applicants must score at least 60 points (out of a possible 100) in order to be eligible for funding.**

Completed applications that meet the minimum qualifying requirements will be evaluated based on their responses on the Parts B through G of the Application Form found in Appendix A as further described below:

A. Part B: Applicant Certifications, Attestations and Acknowledgements

The applicant completed and signed Part B “Applicant Certifications, Attestations and Acknowledgements” of the Application Form.

B. Part C: Organization History and Experience (10 points)

The applicant completed Part C of the Application Form, which included descriptions of:

1. Past and/or current programming serving low-income individuals and families.
2. Accomplishments of their past and present programming in serving low-income individuals and families.
3. Current staffing and how the experience of the staff lends itself to the success of the organization’s past and present programming serving low-income individuals and families.

C. Part D: Organization Capacity (10 points)

The applicant completed Part D of the Application Form which included responses describing the following:

1. Plans to staff new programming or supplement existing programming in order to serve low-income individuals and families as defined by this RFA. Supplementary programs are subject to ineligible cost restrictions as identified in Section VIII.
2. How new programming or supplementation of existing programming targeting low-income individuals and families will align with overall organizational mission, goals, and outcomes.

D. Part E: Proposal Narrative (30 points)

The applicant completed Part E of the Application Form which describes the following:

1. The need for the program, services and/or activities, including the number of potentially eligible participants.
2. How low-income individuals and families will be determined eligible to participate in the programs, services and/or activities.
3. The programs, services and/or activities that will address the needs of the eligible low-income individuals and families. Proposals must describe whether the program, services and/or activities are new or are expanding an existing program.
4. How the organization plans to staff the programs, services, and/or activities proposed in their application, including whether the program, services and/or activities will require hiring additional staff.
5. How funds will be used to develop linkages to fill identified gaps in programs, services and/or activities.
6. How programs, services, and/or activities will be measured for results and/or outcomes.

E. Part F: Program Work Plan (20 points)

The applicant completed Part F of the Application Form, which included the following:

1. A work plan that identifies how the programs, services, and/or activities will be executed and how the funds will be used over the course of the contract.
2. Approximate dates for hiring, participant outreach, linkages that will support programming and how the proposed programs, services, and/or activities will be evaluated.

F. Part G: Budget Summary and Narrative (30 points)

The applicant completed Part G of the Application Form and included a detailed budget with expected costs for programming and a narrative for how the funds will be spent to serve the targeted population including:

1. A detailed budget containing allowable, reasonable, allocable, and necessary costs.

2. The use of one of the following:
 - a. An indirect cost rate using a pre-existing federal negotiated rate (a federally approved indirect cost rate letter is attached).
 - b. A 10% de minimis rate (the budget summary page clearly states and details the modified total direct costs used to calculate the de minimis rate).
 - c. A direct allocation methodology (a detailed cost allocation plan documenting the methodologies to be used to allocate cost to this grant is included).
 - d. An administrative rate backed by supporting documentation.
3. A detailed description, clearly linking costs to specific proposed program, services and/or activities. The narrative clearly justified all costs proposed in the budget as they directly relate to project costs outlined in the RFA and does not include any ineligible costs as described in Section VIII.

XI. Contracting Requirements

Standard Contract: Awarded applicants must enter into a standard contract with Department of State (DOS) which includes, among other requirements, an approved budget and work plan, any attachments or exhibits, and compliance with Article 15-A of the New York Executive Law. The contract includes financial reporting requirements, including procurement procedures. The contract may be subject to approval by the New York State Office of the Attorney General and the Office of the New York State Comptroller, requires submission of final products in both hard copy and electronic form, and be subject to payment only upon proper documentation and compliance with payment procedures and all other contractual requirements.

Project Period: Failure to incur all expenses or complete all identified outcomes in the project may result in loss or recapture of funds.

Vendor Responsibility Questionnaire: A Vendor Responsibility Questionnaire may be required if requested by the State or when a subcontract equals or exceeds \$100,000. If requested, DOS strongly encourages that grantees/subcontractors file the recommended Vendor Responsibility Questionnaire online via the New York State VendRep System (<https://www.osc.state.ny.us/state-vendors/vendrep/file-your-vendor-responsibility-questionnaire>). To enroll in and use the New York State VendRep System, see the VendRep System Instructions available at http://www.osc.state.ny.us/vendrep/info_vrsystem.htm or go directly to the VendRep System online at <https://onlineservices.osc.state.ny.us/Enrollment/login>. Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the Office of the State Comptroller's Help Desk at 866-370-4672 or 518-408-4672 or by email at itservicedesk@osc.state.ny.us. Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website www.osc.state.ny.us/vendrep or may contact DOS or the Office of the State Comptroller's Help Desk for a copy of the paper form.

XII. Contract Development Process

All complete applications will be reviewed, and eligible applicants will be notified of funding decision through the issuance of a Notice of Award document that sets forth the amount of funds granted, and the terms and conditions of the grant award, which are subject to approval by the Office of the New York State Comptroller.

DOS/DCS will begin the contract development process with the successful applicants when the award is announced. Successful applicants may be asked to provide updated work plans and payment schedules that specify the services to be delivered, project goals, claiming process, and other information. The contract will include, but is not limited to, standard terms and conditions such as confidentiality of records, publications, and contract termination. The proposal of the successful applicant will serve as the basis for additional contract terms, which

will be modified within the context of this RFA. The contract will constitute a legal agreement between the eligible applicant and DOS/DCS and will be in force for the full period of the contract.

All plans and working documents prepared by the applicant(s) under the contract to be awarded will become the property of the State of New York.

Unsuccessful applicants may request the opportunity to be debriefed. Requests must be made in writing within 15 calendar days of receipt of the Notice of Non-award to the same address to which the applications are submitted. In the event unsuccessful bidders wish to protest the award resulting from this RFA, bidders should follow the protest procedures established by the Office of the New York State Comptroller (OSC). These procedures can be found in Chapter XI Section 17 of the Guide to Financial Operations (GFO), available on-line at: <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>

XIII. Payment

The contractor may receive up to a 25% advance of the initial contract period amount upon request. Recoupment of any advance payment to the contractor, shall be recovered by crediting (33%) of subsequent claims and such claims will be reduced until the advance is fully recovered within the contract period. Thereafter, each contractor will be reimbursed for expenses incurred pursuant to grant related activities including salary, benefits, travel, and related expenses. No payments will be made until the contract is fully executed and signed by the Office of the New York State Comptroller and the New York State Office of the Attorney General, if applicable. Contractors will work at their own risk if they conduct program activities before the contract is executed.

XIV. Record Keeping

The contractor must maintain current and accurate fiscal and accounting controls to support its claims for payment. Records must adequately identify revenue sources and expense items for all contracted programs, services and/or activities. Accounting records must be supported by clear documentation for all funds received and disbursed. Records must be retained and be accessible for a period of six years from the end of the contract or the last contract transaction. If any claim, audit, litigation, or State/Federal investigation is commenced before the expiration of the records retention period, the records must be retained by the contractor until all claims or findings regarding the records are finally resolved. DOS/DCS or its designee shall have access to any records relevant to the project (including books, documents, photographs, correspondence, and records), for audits, examinations, transcripts, and excerpts. If DOS/DCS determines that such records possess long-term historic value, they must be transferred, upon request, to DOS/DCS. **Failure to provide requested documents could result in immediate termination of the contract.**

XV. Monitoring

DOS/DCS will monitor projects on a regular basis throughout the life of the contract. Monitoring may include, but is not limited to, site visits, regular telephone contact and/or discussions of progress reports. The goals of the project monitoring are to ensure that the terms of the contracts are being met and to provide technical assistance, where necessary, to help the contractor meet the terms of the contract.

XVI. Amendments to the Contract

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

XVII. General Terms and Conditions

This RFA and any contract resulting from this RFA are subject to all applicable laws, rules and regulations promulgated by any Federal and State authority having jurisdiction over the subject matter thereof. Any contract awarded pursuant to this RFA will be subject to DOS processing procedures for contracts of this type, including approval as to form by the State Attorney General, and as to award by the NYS Division of Budget and NYS Office of the State Comptroller. DOS/DCS reserves the right to terminate or modify the contract for reasons including, but not limited to, the unavailability of funds, unsatisfactory performance, or in the best interest of the state. DOS reserves the right to:

1. Reject any or all applications received in response to this RFA;
2. Withdraw the RFA at any time, at the Department's sole discretion;
3. Make an award under this RFA in whole or in part;
4. Disqualify any applicant whose conduct and/or application fail to conform to the requirements of this RFA;
5. Seek clarifications and revisions of the application;
6. Use application information obtained through site visits, management interviews and the state's investigation of an applicant's qualifications, experience, ability, or financial standing, and any material or other information submitted by the applicant in response to the Department's request for clarifying information in the course of evaluation and/or selection under the RFA;
7. Prior to the application due date, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available;
8. Prior to the application due date, direct applicants to submit application modifications addressing subsequent RFA amendments;
9. Change any of the scheduled dates;
10. Eliminate any mandatory, non-material specifications that cannot be complied with by all the prospective applicants;
11. Waive any requirements that are not material;
12. Negotiate with successful applicants within the scope of the RFA in the best interest of the state;
13. Conduct contract negotiations with the next eligible applicant, should DOS be unsuccessful in negotiating with a selected applicant;
14. Utilize any and all ideas submitted in the applications received;
15. 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 application and/or to determine an applicant's compliance with requirements of the RFA;
16. Waive or modify minor irregularities in applications received after prior notification to the applicant;
17. Make awards based on geographic distribution;
18. Not fund an application that fails to submit a clear and concise work plan or budget;
19. Adjust or correct cost figures with the consent of the applicant if errors exist and can be documented to the satisfaction of the Department and the State Comptroller;
20. Award more than one contract resulting from the RFA;
21. In its sole discretion, determine the total number of awards to be granted pursuant to this RFA;
22. Offer partial or no funding to any applicant if the applicant cannot fulfill its proposed program within the funding restrictions herein;

23. Make additional awards if funding becomes available;
24. Require reporting on forms designed for use solely for this procurement; and
25. Not to make any awards pursuant to this RFA. This RFA does not commit DOS/DCS to award any contracts, to pay the costs incurred in the preparation of a response to this RFA, or to procure or contract for service.

XVIII. Minority and Women-Owned Business Enterprises Participation

New York State Law

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

Business Participation Opportunities for MWBEs

The Department’s New York State-certified Minority and Women-owned Business Enterprises (“MWBE”) utilization goal is 30%. For purposes of this solicitation, the specific MWBE goal and the breakdown between the Minority-owned Business Enterprise (“MBE”) and the Women-owned Business Enterprise (“WBE”) utilization goals shall be established post award and set forth in the Department of State contract, in the Attachment B “Budget” (based on the current availability of MBE’s and WBEs). A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBE as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFA, the respondent agrees that Department of State may withhold payment pursuant to any Contract awarded as a result of this RFA pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com/frontend/vendorsearchpublic.asp>. For guidance on how Department of State will evaluate a Contractor’s “good Faith efforts”, refer to 5 NYCRR § 142.8.

The respondent understands that only sums paid to MWBEs for 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 24 percent of the total value of the broker’s contract.

FOR CONSTRUCTION CONTRACTS – The portion of a contract with an MWBE serving as a supplier that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60 percent of the total value of the supplier’s contract. The portion of a contract with an MWBE shall be the monetary value for fees, or the markup percentage, charges by the MWBE.

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 RFA, such finding constitutes a breach of contract and Department of State 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.

Applicants are required to submit the MWBE Compliance Form (Found in Appendix B) with their application.

Additionally, successful applicants will be required to submit an MWBE Utilization Plan (FORM D) or MWBE Compliance Certification Letter (Form D-1) stating their commitment to show due-diligence to comply with the MWBE goals and requirements within ten (10) business days after the applicant receives notice from Department of State that the grant is being awarded as evidence of compliance with the foregoing (MWBE forms can be found

at <https://dos.ny.gov/supplier-diversity>). 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 Department of State for review and approval.

The Department of State shall review the submitted MWBE Utilization Plan and issue a written notice of acceptance or notice of deficiency within 20 days of receipt of the utilization plan.

If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within (7) business days of receipt by submitting to the Department of State a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by Department of State to be inadequate, Department of State 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 proposal.

Please see details under **“Additional Notices and Explanations Regarding the MWBE Program and this Request for Applications.”**

Department of State may disqualify a respondent as being non-responsive under the following circumstances:

- a. If a respondent fails to submit an MWBE Utilization Plan or certification letter;
- 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 Department of State determines that the respondent has fails to document good faith efforts.

Successful applicant(s) 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 no later than prior to the submission of a request for final payment on the Contract.

Successful applicant(s) will be required to submit a quarterly M/WBE Compliance & Payment Report to Department of State (Form F, MWBE forms can be found at <https://dos.ny.gov/supplier-diversity>), by the 10th 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.

Additional Notices and Explanations Regarding the MWBE Program and Successful Applications to this Request for Applications:

If your project is selected for an award, you will be required to show due diligence to comply with all the MWBE contractual requirements, including meeting the goals for certified MWBE firm’s participation as stated in your contract and in accordance with NYS Executive Law Article 15-A.

If an applicant chooses to move forward with a project prior to any award announcement, they are responsible for meeting MWBE requirements established by the State of New York. The requested plan, as described herein, is intended to help an applicant think about how to comply with regulations and provide information showing their due diligence to comply with the MWBE requirements.

If you are unable to comply with the MWBE goals, you must request a waiver of these requirements by submitting to the Department of State the Request for Waiver – Form E (attached here for reference) for processing: Please note that the following information will be required to secure the waiver (all items may not apply to your case, but provide information and documentation for those that apply):

1. A DETAILED statement with the project description (any special characteristics, needs, specifications, etc.) and an explanation setting forth your basis and justification for requesting a partial or total waiver of the MWBE goals.

2. The names of general circulation, trade association, and MWBE-oriented publications in which you solicited certified MWBEs for the purpose of complying with your participation goals related to this Contract.
3. A list identifying the date(s) that all solicitations for certified MWBE participation were published in any of the above publications.
4. A list of all certified MWBEs appearing in the NYS Directory of Certified Firms that were solicited for purposes of complying with your certified MWBE participation levels.
5. Documentation of your search in the NYS Directory of Certified Firms (e.g.: Printouts, screenshots).

Copies of notices, dates of contact letters, and other correspondence as proof that solicitations were made in writing and copies of such solicitations, or a sample copy of the solicitation, if an identical solicitation was made to all certified MWBEs. Any information and/or documentation to support the efforts to follow up with the MWBEs.

6. Copies of responses to your solicitations received by you from certified MWBEs.
7. A description of any contract documents, plans, or specifications made available to certified MWBEs for purposes of soliciting their proposals and the date and manner in which these documents were made available.
8. Documentation of any negotiations between you and the MWBEs undertaken for purposes of complying with the certified MWBE participation goals.
9. Any other information you deem relevant which may help us in evaluating your request for a waiver.
10. The name, title, address, telephone number, and email address of your representative authorized to discuss and negotiate this waiver request.
11. Copy of notice of application receipt issued by Empire State Development (ESD), if subcontractors are not certified MWBE, but an application has been filed with ESD.

XIX. Equal Employment Opportunity Requirements

By submission of a proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of the New York State Master Grant Contract, Section IV (J) – 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 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 of 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, of services unrelated to the Contract; or (ii) employment outside New York State.

Additionally, successful applicants will be required to submit the following documents and information within ten (10) business days after the applicant received notice from the Department of State that the grant is being awarded as evidence of compliance with the foregoing:

- A. Submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement (Form A) to Department of State.

- B. Submit a Workforce Utilization Report (Form C) and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by Department of State on a quarterly basis during the term of the Contract, to the Bureau of Fiscal Management at:

MWBE Unit

Email: dos.sm.mwbe@dos.ny.gov

Phone: 518-474-2754

Further pursuant to Article 15 of the executive Law (the “Human Rights Law”), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and subcontractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristics, 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 requirements detailed above may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension of termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

XX. Service-Disabled Veteran-Owned Businesses Participation

Article 17-B of the Executive Law, enacted in 2014, authorized the creation of the Division of Service- Disabled Veterans’ Business Development to promote participation of Service-Disabled Veteran-Owned Businesses (SDVOBs) in New York State contracting. The Service-Disabled Veteran-Owned Business Act recognizes the veterans’ service to and sacrifice for our nation, declares that it is New York State’s public policy to promote and encourage the continuing economic development of service-disabled veteran-owned business, and allows eligible Veteran business owners to become certified as a New York State Service- Disabled Veteran-Owned Business (SDVOB), in order to increase their participation in New York State’s contracting opportunities. To this effect, the Department of State (DOS) has implemented a Veteran-Owned Businesses (SDVOB) Program, as mandated by Article 17-B.

DOS’s SDVOB utilization goal is 6%. To comply with this goal, DOS strongly encourages grantees to make every effort, to maximum extent possible, to engage certified SDVOBs in the purchasing of commodities, services, and technology in performance of their contracts with the Department. If SDVOB utilization is obtained, a quarterly SDVOB utilization report should be submitted to the Department with information of utilization percentage achieved during that quarter. Contractor Reporting Forms are found at: <https://ogs.ny.gov/Veterans/>.

The Division of Service-Disabled Veterans’ Business Development (DSDVBD) is housed within the New York State Office of General Services (OGS) and maintains a directory of the NYS Certified SDVOBs. For assistance with engaging SDVOB vendors in your contracts, please contact the Division of Service-Disabled Veteran’s Business Development at the following email address: VeteransDevelopment@ogs.ny.gov, or the DOS Bureau of Fiscal Management – SDVOB Program at dos.sm.sdvob@dos.ny.gov. The directory of certified SDVOB vendors can be found at: https://ogs.ny.gov/Veterans/Docs/CertifiedNYS_SDVOB.pdf

APPENDIX A: APPLICATION FORM

A. GENERAL INFORMATION		
Name of Tribe or Tribal Organizations: <i>(Full legal name)</i>		
Applicant Mailing Address: <i>(Full legal address of corporation/agency)</i>		
(Street)		
(City)	NY	(Zip)

Authorized Tribal Official (List contact information for the Authorized Tribal Official (Chairperson/Chief/CEO))	Title:
E-mail Address:	
Telephone:	Fax:
Name of Project: (if applicable)	
Location (County/Region):	
Total Funds Requested: \$	

Tribal CSBG Contact Person:	Title:
(Street)	
(City)	NY (Zip)
E-mail Address:	
Telephone:	Fax:

B: APPLICANT CERTIFICATIONS, ATTESTATIONS AND ACKNOWLEDGEMENTS	
Applicant Federal Identification Number:	Applicant Charities Registration Number:
Applicant is: Tribal Group <input type="checkbox"/> Tribal Organization <input type="checkbox"/> (Please attach supporting documentation of verifying state or federal recognition of the Tribal Organization/Tribal Group)	
Applicant certifies that it currently provides services to low-income individuals:	YES <input type="checkbox"/> NO <input type="checkbox"/>
Applicant certifies that it will serve a population that meets the CSBG federal poverty income guidelines:	YES <input type="checkbox"/> NO <input type="checkbox"/>
Board of Directors List Council, or organizational chart is attached:	YES <input type="checkbox"/> NO <input type="checkbox"/>
Vendor Responsibility Acknowledgement: I hereby acknowledge that if awarded funding, we will comply with the Vendor Responsibility requirements of the State of New York.	YES <input type="checkbox"/> NO <input type="checkbox"/>
Applicant is registered on the NYS Grants Gateway:	YES <input type="checkbox"/> NO <input type="checkbox"/>
The Applicant waives any claim of sovereign immunity for the limited purpose of enforcing the contract that results for a successful application.	YES <input type="checkbox"/> NO <input type="checkbox"/>
By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies 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.	YES <input type="checkbox"/> NO <input type="checkbox"/>

The applicant certifies that the CSBG funds will be used to provide services and activities benefitting low-income persons meeting the federal Poverty Guidelines, in accordance with the purposes, goals, and assurances of PL 105-285, local needs assessments, and the national CSBG goals and outcome measures. Applicant shall comply with the Uniform Guidance, codified at 45 C.F.R. 75 et. seq., limitations, and prohibitions placed on the use of funds by PL 105-285, and Executive Order 177.

Print Name:

Signature:

Date:

C. ORGANIZATION HISTORY AND EXPERIENCE

Provide a summary describing the following (do not exceed two additional pages, not including any attachments):

Describe the Tribe or Tribal Organization's past and/or current programming serving low-income individuals and families.

(Enter text here)

Describe the Tribe or Tribal Organization's accomplishments of their past and present programming in serving low-income individuals and families.

(Enter text here)

Describe the current staffing and how the experience of the staff lends itself to the success of the organization's past and present programming serving low-income individuals and families.

(Enter text here)

D. ORGANIZATION CAPACITY

Describe plans to staff new programming or supplement existing programming in order to serve low-income individuals and families as defined by this RFA. Supplemental programs are subject to ineligible cost restrictions as identified in Section VIII.

(Enter text here)

Describe how new programming or supplementation of programming targeting low-income individuals and families will align with overall organizational mission, goals, and outcomes.

(Enter text here)

E: PROPOSAL NARRATIVE

Describe the need for the program, services and/ or activities, including the number of potentially eligible participants.

(Enter text here)

Describe how low-income individuals and families will be determined eligible to participate in the programs, services and/or activities.

(Enter text here)

Identify the programs, services and/or activities that will address the needs of the eligible low-income individuals and families. Proposals must describe whether the program, services and/or activities are new or expanding an existing program.

(Enter text here)

Describe how the organization plans to staff the programs, services, and/or activities proposed in their application, including whether the program, services and/or activities will require hiring additional staff.

(Enter text here)

Describe how the funds will be used to develop linkages to fill identified gaps in programs, service, and/or activities.

(Enter text here)

Identify how programs, services, and/or activities will be measured for results and/or outcomes.

(Enter text here)

F. PROGRAM WORKPLAN

Provide a work plan that identifies how the programs, services, and/or activities will be executed, and funds will be used over the course of the contract.

(Enter text here)

The workplan must include approximate dates for: hiring, participant outreach, linkages that will support programming, and how the proposed programming will be evaluated.

(Enter text here)

G. BUDGET SUMMARY AND NARRATIVE

Provide a detailed budget containing allowable, reasonable, allocable, and necessary costs.

(Enter text here)

Identify the use of one of the following: (a) indirect cost rate, (b) 10% de minimis rate, (c) direct allocation methodology, or (d) administrative rate. Please refer to Section IX the RFA for specific requirements.

(Enter text here)

The budget must provide a detailed description, clearly linking costs to specific proposed program, services and/or activities. The narrative must clearly justify all costs proposed in the budget as they directly relate to projects costs outlined in the RFA and must not include any ineligible costs as described in Section VIII of the RFA.

(Enter text here)

APPENDIX B
Submit as Attachment B: MWBE Compliance Form
NYS DEPARTMENT OF STATE MWBE COMPLIANCE FORM

DEPARTMENT OF STATE (DOS) - MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES (MWBE) PROGRAM

Article 15-A of the NYS Executive law was enacted on July 19, 1988, to promote equality of economic opportunities for MWBEs and to eliminate barriers to their participation in state contracting.

The contract's specific MWBE goals can be identified in the RFP, RFA and/or the budget page in applicable contracts. All applicable contracts, including contracts supported with federal funding which do not have a DBE component, are assessed for MWBE goals.

For grants, certain items are exempted from the goal calculation. These include:

- | | | |
|--|----------------------------------|--|
| ✓ Personal services (i.e. payments to staff for labor), staff benefits, training | ✓ Utilities, postage, telephones | ✓ Certain rentals and repairs |
| ✓ Travel reimbursements | ✓ Sole source contracts | ✓ Unemployment insurance and tuition reimbursement |
| | ✓ Operating transfers | |

Note: The portion of matching fund/local share is not included in the goal calculation.

Your responsibilities under Article 15-A are:

<p style="text-align: center;">1. To Make Good Faith Efforts (GFE)</p> <p>You will be required to make "GFE" to provide meaningful participation to MWBEs as subcontractors or suppliers in the performance of contracts.</p> <p>Documentation of GFE includes, but is not limited to (5 NYCRR §142.8):</p> <ul style="list-style-type: none"> • Evidence of outreach to MWBEs: mail, email, phone calls and follow up; • Written responses by MWBEs to the grantee/vendor's outreach; • Copies of search(es) of the directory and advertisements for participation by MWBEs in appropriate general circulation, trade, and minority or women-oriented publications; • Attendance at any pre-bid, pre-award, or other meetings, if any, scheduled by the grantee with MWBEs including dates and location; • Information describing specific steps undertaken to reasonably structure the contract scope of work to maximize opportunities for MWBE participation; and • Information describing non-MWBE subcontractors' efforts to engage MWBEs to undertake part of the project's work or to procure equipment/ materials/supplies. 	<p style="text-align: center;">2. Required MWBE Reporting for Contracts with Utilization Goals</p> <p>Within ten days of receipt of the award notification from DOS, submit:</p> <ol style="list-style-type: none"> 1. Form A 2. Form B (for contracts > \$250,000) 3. Form D or D-1. <p>For non-federally funded contracts, once the contract is executed, set up an account in the New York State Contract System (system) to:</p> <ul style="list-style-type: none"> - Submit MWBE utilization plan (if required) - Report MWBE utilization - Track and monitor transaction on the contract. <p>Throughout the contract term:</p> <ul style="list-style-type: none"> - Report MWBE utilization through the system OR submit Form F - Quarterly MWBE Utilization <p>Waiver Request – Form E can be submitted if there are no opportunities for MWBE participation, or to demonstrate the GFE to meet the contractual goals.</p>
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Only the use of **New York State-certified** MWBEs will count towards meeting NYS contract goals:

- The NYS MWBE Directory is located at: <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp>

By signing, the applicant confirms that they understand the MWBE requirement, as summarized above, and agree to show due-diligence and to make good faith efforts to provide meaningful participation by MWBEs, whenever possible, if awarded the contract.

Signature:

Date:

Printed Name

Title



