



**Office of Children  
and Family Services**

**REQUEST FOR PROPOSALS FOR TRAINING-RELATED SERVICES**

**Solicitation # - 1602**

**Office of Children and Family Services and Local District Process Reviews and Training Support**

**Issued on August 1, 2016 by:**

**Office of Children and Family Services  
Bureau of Training and Development  
52 Washington Street  
Rensselaer, New York 12144**

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**On-Line Bidder’s List**

**The OCFS On-Line Bidder’s List (OBL) is maintained electronically and can be found at <https://apps.ocfs.ny.gov/obl>. If you wish to receive announcements of future OCFS procurement opportunities and be able to download solicitation documents, you must register on the OBL. Questions and Answers will also be posted to the OBL. If you choose to register you will be prompted to provide certain demographic information about yourself, the organization or government agency you represent, and to identify the service categories in which you are interested.**

**Projected RFP Timetable**

- a. RFP Release Date: 8/1/2016
- b. Written Questions Due: 8/15/2016 No Later Than 3:00PM (ET)
- c. Response to Written Questions and Posted on Website: 8/22/2016 cob
- d. Proposal Due Date: 8/29/2016 No Later Than 3:00PM (ET)
- e. Selection Review Begins: 8/30/2016
- f. Anticipated Date of Award: 11/1/2016
- g. Project/Contract Start Date: 1/1/2017

## **Background, Requirements and Instructions**

### **Note:**

**Throughout this document the terms “proposer” and “bidder” are used interchangeably.**

## **INTRODUCTION**

### **1. Purpose of the Request for Proposals**

The New York State Office of Children and Family Services and local social service districts are being challenged to work more efficiently with fewer resources. This project’s awarded bidder will provide process reviews, labor relations facilitation, support and technical assistance to OCFS and local social services districts executive staff and stakeholders. Through the provision of these services, staff will learn what methods to use in gathering information and data, identifying desired organizational process improvements, acquiring conflict resolution skills through training support, and navigating labor relations issues through facilitation and technical assistance. This may involve on-site consultation and needs assessment activities with OCFS and local districts. The content of these matters are often dependent on the situation at the state and/or local district level and decisions on priorities made collaboratively.

Establishing priorities and facilitating cooperation among the agency staff will be vital. This instruction will be an ongoing learning process for districts where training and technical assistance is required. The training courses to be offered will be identified based on the needs of commissioners and executive level staff in the local department of social services districts. The prospective bidder should be prepared to deliver up to 100 full days of services annually.

Prospective bidders should note that, while there are a number of proposal review criteria for technical content and description of proposed services, the Proposal Cost is a significant factor. The expertise and experience of the prospective bidder is another significant factor. Bidders should carefully consider how to prepare budgets that will support quality services meeting the standards of the Bureau of Training and Development (BTD) as economically and competitively as possible. The gross maximum bid amount for the project described in this procurement is \$190,000 per year.

Please note that OCFS reimburses training contract vendors up to a maximum rate of 95% of the total contract value. Cost proposals submitted in response to this solicitation will be evaluated at the proposed total reimbursed cost. The proposal with the lowest reimbursable cost on the Cost Proposal submission will be awarded the maximum of 30 possible points. The remaining proposals will receive a proportional score derived from the following formula: (Lowest Reimbursable Cost Proposal divided by(÷) Proposal Reimbursable Cost being Scored) x 30. The maximum reimbursement to the awarded bidder is 95% (reimbursement cost) of the total gross contract value. The 95% was approved by the federal Department of Health, Education and Welfare (predecessor agency to the Department of Health and Human Services) in 1979 to allow the New York State Department of Social Services (a predecessor agency to OCFS) to assess its training providers (vendors) a percentage of gross contract costs and to use those funds for State costs related to the management and administration of the Department’s contractual training program. The assessed rate is currently set at 5%. This percentage is an administrative charge levied by the state against the vendor as a deduction to

their monthly expenditure claims. Please refer to instructions regarding preparing monthly expenditure claims provided in the BTD Operations Manual for Training vendors for further post-award information at: <http://ocfs.ny.gov/ohrd/OMTV/>

Funding for the training services resulting from this procurement is supported in part by funding from Title IV-E of the Federal Social Security Act. The vendor must adhere to all applicable rules and guidelines regarding administrative activities and DAB 1666 reporting requirements. Each funding source has its own set of rules and procedures. Each vendor is responsible for being knowledgeable concerning the applicable Federal and State requirements and procedures. Additional information regarding Title IV-E requirements and DAB-1666 can be found on the following websites:

<http://ocfs.ny.gov/ohrd/OMTV/> and <http://www.hhs.gov/dab/decisions/dab1666.html>

OCFS reserves the right to place a monetary cap on the funding amount made in each contract award.

**Bidders should read this entire procurement document and review all required forms and reference documents prior to preparing and submitting proposals.**

## **2. Description of the New York State Office of Children and Family Services (OCFS) and the Bureau of Training and Development (BTD)**

OCFS is dedicated to improving the integration of services for New York's children, youth, families and vulnerable populations; to promoting their development; and to protecting them from violence, neglect, abuse and abandonment. The agency provides a system of family support, juvenile justice, child care and child welfare services that promote the safety and well-being of children and adults. OCFS provides services throughout New York State through six regional offices. Information regarding OCFS regional offices and a map of the regions may be found at:

[http://ocfs.ny.gov/main/regionaloffices\\_main.asp](http://ocfs.ny.gov/main/regionaloffices_main.asp)

The OCFS Division of Administration consists of four functional units including the BTD, which is responsible for the provision and oversight of training and professional development programs that support the staff of the public human services system. This includes OCFS and selected staff of other state agencies such as the Department of Health (DOH), Office for the Aging (OFA) and the Office of Temporary and Disability Assistance (OTDA).

BTD also provides training for the staff of local social services districts, the staff of residential child care agencies, licensed and registered day care providers, and foster and adoptive parents. BTD provides this training through a combination of direct training using its own staff and contracts with educational institutions or other organizations with demonstrated expertise in developing and conducting training in human services delivery.

## **3. OCFS Statewide Considerations**

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

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 among these analyses is ongoing self-assessment within “the system” to identify changes in service needs, interventions, and partnerships. An emerging trend in 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 service area, Black and Latino adults are under-represented in the receipt of services from the blind service network. In response to this, OCFS has begun to implement 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 which 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 which address disproportionality and disparity rates.

This Request for Proposals (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 which 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 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:

**a) Disconnected / High Need Youth**

OCFS’s priority is to “protect those in greatest need” by on-going assessment and enhancement of services which promote safety and general wellbeing 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 which 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 OCFS RFP narrative, applications must demonstrate capacity and scope for cross-agency collaborations and partnership with relevant community organizations.

**b) Racial Equity and Cultural Competence**

OCFS is in its seventh year of Racial Equity and Cultural Competence (RECC) work. Efforts 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 under-representation of Blacks, Native Americans and Latinos in various forms of service delivery to identify how best to enhance outreach and preventive measures that support the safe reduction in out-of-home placements for children and adults, and focus on the wellbeing of children, youth and families. OCFS has enlisted the participation of our state and local partners in this effort, and is working actively with 13 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. Since the effort must be

data driven, 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 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 Request for Proposals 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:

- 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; and
- 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).

Section E of this RFP contains a link to more information regarding Disproportionate Minority Representation (DMR) and data in New York State.

#### **4. Description of the Population to be Served Under this Scope of Work**

NYS OCFS and local social services district management and services staff, including but not limited to Local District Commissioners and other executive and services staff at the state, county and local level. Counties served will vary throughout the life of the contract.

#### **5. Minimum Qualifications – Eligible Applicants**

Proposers are advised that the state's intent is that only qualified and reliable contractors enter into a contract to perform the work as defined in this document.

The state considers the following qualifications pre-requisite to be considered as a qualified bidder for purposes of this solicitation.

All private for profit, private not-for-profit and public entities with at least ten (10) years of experience, as outlined in Section A Items 1 and 2 of this RFP, in the provision of labor relations and training services are eligible to submit proposals in response to this procurement as follows:

##### **a) Private For-Profit Organizations**

Federal funding sources, which support the provision of the services requested in this document, prohibit the use of funds to make a profit. Although for profit enterprises are not barred from providing a proposal pursuant to this document, the requested line item budget and total proposal cost cannot include any profit. For-profit entities with a demonstrated ability to develop and successfully complete the types of programs advertised in this procurement are eligible. For-profit organizations must have demonstrated a history and quality of experience that, in the judgment of OCFS, would qualify them to develop and successfully conduct the training, and/or other administrative services in the subject area.

## **Private Not-for-Profit Organizations**

Private not-for-profit organizations, including private not-for-profit educational institutions, with a demonstrated ability to develop and successfully complete the types of programs advertised in this procurement are eligible. Educational institutions must be accredited and must be recognized by the U.S. Secretary of Education in the field for which the training or other administrative service is proposed. For schools of social work, accreditation must be through the Council on Social Work Education. Other not-for-profit organizations not subject to the accreditation standards for educational institutions and social work schools must have demonstrated a history and quality of experience that, in the judgment of OCFS, would qualify them to develop and successfully conduct the training, and/or other administrative services in the subject area. The governing board (board of directors) of a not-for-profit corporation must have a minimum of three members at the time of proposal submittal.

### **b) Public Entities**

Public colleges and universities, including community colleges, with a demonstrated ability to develop and successfully complete the type of program advertised are eligible. Educational institutions must be accredited and must be recognized by the U.S. Secretary of Education in the field for which the training, or other administrative service, is proposed. For schools of social work, accreditation must be through the Council on Social Work Education. Most of these organizations may enter into Memoranda of Understanding (MOUs) with OCFS. If a public entity is awarded a project and is eligible to enter into an MOU, but does not have an existing MOU with OCFS, OCFS will work with the vendor to develop one. The work plan agreement resulting from this procurement is amendable at OCFS's discretion.

## **6. Proposal Evaluation and Selection Process**

Proposals will be evaluated and scored based upon the criteria set forth in this Section. Proposals will be evaluated for best value to the state.

All proposals received shall be subject to an evaluation by OCFS, assisted by such other personnel as deemed appropriate, for the purpose of selecting the Proposer with whom an agreement will be negotiated. The Proposer scoring the highest in overall points will be awarded the contract.

A committee of New York State employees will evaluate each responsive proposal for items a) through c) below.

One group of reviewers will evaluate Items a) through c) while a separate group of OCFS staff members will evaluate all Cost Proposals from responsive Proposers. Please see Section d) Cost Proposal below for scoring information.

Each of the cost proposal points will be added to the score from the Evaluation Team for items a) - c).

Scores from each of the Proposers, including items a) - d), will be totaled and the Proposer having the highest score will be ranked number one; the Proposer with the second highest total score will be ranked number two and so on. In the event of a tie, the proposal with the lowest cost will be awarded.

**a) TECHNICAL MERIT OF THE PROPOSAL (35%)**

Each proposal will be evaluated on the Proposer's specific description of how the service will be delivered and requirements of this RFP will be met. Given the nature of the services to be delivered, an outline demonstrating that the Proposer has the organizational and logistical capacity to confidentially implement services Statewide on an as needed basis, in addition to detailing the, quality of proposed staffing and approach to customer satisfaction should be provided with the Proposal. The prospective bidder should be prepared to deliver up to 100 full days of services annually. Vagueness and omissions on the Proposer's part will not be resolved in the Proposer's favor.

**b) PROPOSER EXPERIENCE AND EXPERTISE (30%)**

Each Proposal will be evaluated as to the quality of the Proposer's relevant experience, including that of its proposed employees, demonstrating that the Proposer and its employees meet the experience requirements as described in Section A, Item 2 a) through d) of this document and will be rated based on the following;

(1) Each proposal will be evaluated as to experience and expertise working with child welfare and adult protective human services organizations. **(up to10%)**

(2) Each proposal will be evaluated as to experience and expertise working with organizations in a labor relations environment. **(up to10%)**

(3) Each proposal will be evaluated as to experience and expertise working with Government agency(ies). **(up to 10%)**

**c) QUALITY AND COMPLETENESS OF PROPOSAL (5%)**

Each Proposal will be evaluated as to the extent to which the proposal satisfies and addresses each requirement of the Solicitation.

**Proposal** - The appearance and contents should be presented professionally.

**Cover Letter** - A cover letter must be presented with the proposal. Failure to provide the cover letter will result in the rejection of the proposal. The letter must include a written commitment from an authorized officer of the organization to provide the training and other services under the terms set forth in the RFP should the contract be awarded to the organization. The letter must also say that bid pricing must remain valid for a minimum of 180 days.

**Completeness of Response** -The proposal should address each requirement outlined in the RFP. Failure to address each of the requirements will result in a reduction of score.

**d) COST PROPOSAL (30%)**

Cost proposals submitted in response to this solicitation will be evaluated at the proposed reimbursed cost (net amount) based on the completed Budget form listed on page 25 of this solicitation.

The proposal with the lowest reimbursable cost on the Cost Proposal submission will be awarded the maximum of 30 possible points. The remaining proposals will receive a proportional score derived from the following formula:

(Lowest Reimbursable Cost Proposal divided by(÷) Proposal Reimbursable Cost being Scored) x 30.

Proposers are encouraged to include all information that may be deemed pertinent to their proposal. Proposers should carefully consider how to prepare Budgets that will support quality training services meeting BTB's standards as economically and competitively as possible. Proposers may be requested to provide supplemental information based on the state's evaluation procedure. The supplemental information may be in writing, with clarification as applicable. Any supplemental information will be considered a formal part of the Proposer's original proposal. If further information is needed during the evaluation period, OCFS will contact the Proposer.

## **7. Notification of Award**

The selected Proposer will be notified in writing that their submitted proposal has been selected and that a contract will be forthcoming for execution. The original proposal, and any additions or deletions to the proposal, will become part of the contract.

Non-Awardees will be notified in writing as well.

Public announcements or news releases pertaining to any contract resulting from this Solicitation must not be made without prior approval from OCFS.

## **8. Procedure for Handling of Protests/Appeals of Bid Specifications and Proposed Awards**

OCFS has established guidelines and set forth the procedures to be utilized when an interested party challenges a contract award by OCFS. These guidelines shall apply to all contract awards by OCFS. A link to the complete guidelines may be found in Section E of this document.

## **A. DESCRIPTION OF SERVICES REQUESTED**

The following provides a description of the types of services requested through this RFP.

### **1. Description of Services:**

- **Purpose:** This project will provide needs assessments and process reviews, labor relations consultation, support and technical assistance to enable OCFS and local social services districts to achieve their goals within the New York State legal, regulatory, and casework practice framework. Through the provision of these services, staff will learn by what method to gather information and data, identify desired organizational process and programmatic improvements, acquire conflict resolution skills and navigate labor relations issues through facilitation and technical assistance. The services provided by the vendor will assist agency staff in determining needed training for local district agencies in OCFS program areas and within OCFS.
- **Type:** Special Topics, Coaching, Facilitation, Technical Assistance and Other Activities

- **Description:** Vendor will conduct needs assessments, process reviews and provide training, coaching and facilitation services to OCFS and local district staff in OCFS programmatic service areas to assist them in making program and organizational improvements. This may involve on-site consultations, continued follow up, technical assistance and recommendations for improvements to the local district and/or OCFS. Locations throughout NYS will be determined in collaboration with OCFS and local district needs. Trainee travel and per diem will not be provided for the activities under this project.

## **2. Description of Experience & Expertise Required**

This section describes the subject matter and knowledge, skills, and experience BTD has identified as needed to be considered for selection. The Bureau of Training and Development expects the bidder to identify work experience relevant to the target audience, services sought and ability to deliver these services.

The proposal is expected to demonstrate:

### **a) Bidder Capability**

Bidders are expected to describe their organization's ability to deliver the specified services on the dates, times and at locations to be determined or approved by the Bureau of Training and Development. Proposals are expected to describe the professional expertise and qualifications of the staff assigned to the project.

- Provide a comprehensive description of the bidder's organization and its staff that demonstrates the ability to deliver the requested services. Include a list of the bidder's key staff assigned to the project and describe their experience (include Résumés).
- Describe bidder organization's experience demonstrating excellence in service (for example, include awards, ratings, evaluations, or other evidence of distinction in the training field).
- Describe in detail the bidder organization's ability to provide the services throughout New York State. If the bidder's organization has geographic limitations in delivering these services, please provide an explanation.

### **b) Subject Matter Expertise (within the last ten years):**

Bidders are expected to describe their organization's experience and expertise with the specific content/ subject matters covered in this RFP.

The proposal is expected to:

- Describe qualifications to provide the services specified including latest theory and best practices in labor relations and negotiation strategies and working with unionized and non-unionized child welfare/adult protective/social services organizations, both public and private. Résumés should highlight individual staff members' subject matter expertise to support this requirement.
- Describe expertise with providing training/consultation on conducting needs assessments, process reviews, facilitation, and labor relations in government organizations and child welfare and adult protective human services agencies.
- Describe experience working with state, county and local government and public service organizations, including knowledge and expertise regarding policies and programs of these organizations as well as knowledge of New York State legal, regulatory and child welfare/adult protective casework practice framework.

- Describe the organization's additional subject matter expertise, success in organizational development, labor relations and other experience deemed relevant.

**c) Expertise with Target Population (within the last ten years):**

Bidders are expected to describe their experience with the target population described in the Introduction section, Item 4, Description of Population to be Served Under this Scope of Work.

The proposal is expected to:

- Describe their organization's experience providing related services to the target population of this RFP. Résumés submitted should highlight individual staff members' experience providing services to the target population to support this requirement.
- Include a list of courses delivered to the target population, via classroom-based, facilitation, consultation and/or one-on-one or small group and/or technical assistance. Specify when and where these services were conducted.
- Describe experience with government and child welfare/adult protective human services organizations (within the last ten years).
- Describe experience with working in a labor relations environment (within the last ten years).
- Bidders are expected to describe their experience in serving similar government organizations (state, county or local governments)

**d) Service Delivery**

Bidders are also expected to describe their knowledge and experience with various methodologies and techniques including, but not limited to: training-related services, consultation, needs assessments, process reviews, case studies, small group discussion, technical assistance and facilitation skills.

The proposal is expected to:

- List and describe training-related services, consultation, needs assessment, facilitation, case studies, and technical assistance experience with New York State, county and/or local government.
- List and describe training-related services, consultation, needs assessment, facilitation, case studies, and technical assistance experience with child welfare/adult protective human services providers.
- List and describe training-related services, consultation, needs assessments, facilitation, case studies, and technical assistance experience with other organizations deemed relevant.
- Describe the nature of the services, consultation, facilitation, process reviews, technical assistance and methods used (for example, small group, individual consultation, multi-sensory, multi-modal, interactive, learner centered).
- Describe how the delivery of the services listed in this RFP will be accomplished.

**B. PROCESS FOR PROPOSAL SUBMISSION**

**1. Policy and Prohibitions Regarding Permissible Contact - Restrictions on Contact**

Pursuant to State Finance Law Sections 139-j and 139-k, this Request for Proposals includes and imposes certain restrictions on communications between a Governmental Entity and a

prospective bidder/contractor during the procurement process.

From August 1, 2016 the date notice was given regarding the development of this RFP, through final award/approval as referenced on Section B Item 6 of this document all contacts concerning this RFP/Procurement Contract must be directed to the designated staff, as of the date hereof, identified on the cover page of this Request for Proposals unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law Section 139-j(3)(a). This is referred to as the “restricted period.”

OCFS is also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the prospective bidder/contractor pursuant to these two statutes. Certain findings of non-responsibility can result in rejection of a contract award.

## **2. Bidders’ Questions Concerning this RFP**

Bidders may submit typed questions via electronic mail to [Ocfs.sm.BTD.FA.RFP@ocfs.ny.gov](mailto:Ocfs.sm.BTD.FA.RFP@ocfs.ny.gov). All emails must reference the RFP title and solicitation number in the subject line. Questions regarding the RFP will be accepted until 3:00 PM ET on August 15, 2016. No telephone inquiries will be accepted. Answers to all questions received by this date will be posted on the OCFS website at <http://ocfs.ny.gov/ohrd/> and the On-line Bidders List website at <https://apps.ocfs.ny.gov/obl> no later than close of business August 22, 2016 (ET).

If a bidder discovers what they believe to be an error in this RFP, they must immediately notify [Ocfs.sm.BTD.FA.RFP@ocfs.ny.gov](mailto:Ocfs.sm.BTD.FA.RFP@ocfs.ny.gov) via e-mail of such error and request clarification or modification to the document. All emails must reference the RFP title and solicitation number in the subject line. Any such notice must be given prior to the proposal submission deadline. OCFS shall make RFP modifications by addenda, provided that such modifications would not materially benefit or disadvantage any particular bidder.

If a bidder fails, prior to the proposal submission deadline, to notify OCFS of a known error or an error that reasonably should have been known, the bidder shall assume the risk. If awarded the contract, the bidder shall not be entitled to additional compensation or time by reason of the error or its late correction.

## **3. Proposal Due Date**

Proposals are due no later than 3:00 p.m. ET on August 29, 2016. Any proposals or unsolicited amendments to proposals received after the due date and time will not be considered in the review process. Bidders are responsible for submitting their proposals on time. OCFS takes no responsibility for any third party error in the delivery of proposals (e.g., U.S. Post Office, Federal Express, UPS, courier, etc.). Proposal Mailing Instructions:

The delivery/mailing address is:

**Training RFP – Office of Children and Family Services and Local District Process  
Reviews and Training Support  
Solicitation # 1602  
New York State Office of Children and Family Services  
Bureau of Training and Development – Room 234N  
52 Washington Street  
Rensselaer, New York 12144**

- Bidders must submit five (5) hard copies of each Technical proposal and one copy on a flash drive or CD ROM in Microsoft Word format in a sealed package.
- Bidders must submit three (3) signed, original hard copy cost proposals. Cost proposals must be submitted in a separate sealed package.
- Be sure to mark the outside mailing label referencing the RFP title and solicitation number.
- Emailed or faxed proposals will not be accepted.
- Handwritten proposals will not be accepted.

#### **4. Submission of Proposals**

All evidence and documentation requested under this RFP must be provided at the time the proposal is submitted. All proposals and accompanying documentation will become the property of the State of New York and will not be returned. The content of each bidder's proposal will be held in strict confidence (subject to OCFS's responsibilities to disclose such proposal under any applicable law) during the bid evaluation process. Portions of the successful Bidder's proposal and the RFP will be incorporated into the contract.

#### **5. Projected RFP Timetable**

- RFP Release Date: 8/1/2016**
- Written Questions Due: 8/15/2016 No Later Than 3:00PM (ET)**
- Response to Written Questions and Posted on Website: 8/22/2016**
- Proposal Due Date: 8/29/2016 No Later Than 3:00PM (ET)**
- Selection Review Begins: 8/30/2016**
- Anticipated Date of Award: 11/1/2016**
- Project/Contract Start Date: 1/1/2017**

#### **6. Expenses Prior to Contract Execution**

OCFS is not liable for any costs incurred by a bidder in the preparation and production of a bid proposal or for any work performed prior to contract execution. By submitting a proposal, the bidder agrees not to make any claims for, or have any right to, damages resulting from any misunderstanding or misrepresentation of the specifications, or because of any misinformation or lack of information.

### **C. PROPOSAL REQUIREMENTS**

#### **1. Format and Content**

All proposals must be completed in Microsoft Word and/or Excel format. Failure to include the required documents and information described below will result in the reduction of the technical score.

- Cover Letter** - A cover letter must be presented with the proposal. Failure to provide the cover letter will result in the rejection of the proposal. The purpose of the letter is to obtain a written commitment from an authorized officer of the organization to provide the training and other services under the terms set forth in the RFP should the contract be awarded to the organization. Vendors are reminded that their bid pricing is to remain valid for a minimum of 180 days.

**b) Summary of Services Being Bid**

A summary must outline significant features of the proposal, describe the bidder's overall experience, and include a brief description of any related activities currently being provided by the bidder to New York State.

• **Service Description**

Refer to Section A, 1. Description of Services Requested and 2. Description of Experience and Expertise Required, which provides an explanation of specific selection criteria to be included in the proposal and upon which the proposal will be considered.

- Include a complete and detailed plan for delivery of the services to be provided and the number of professional and support personnel to be assigned. Bidders are cautioned to be sure that the plan submitted addresses all deliverables included in Section A, Item 1 of this document.
- Describe in detail the organization's qualifications, capacity and experience relevant to providing the services sought, subject matter expertise, experience in training the target population, experience with similar child welfare/adult protective Human Services organizations in services delivery as described in Section A, Items 1 and 2 of this document. Résumés for key personnel who will be assigned to this project should be submitted to support these requirements. Provide résumés of the bidder's organization's key staff and trainers assigned to the project. Résumés should be limited to two typewritten, double-sided pages for each person and should include educational credentials, professional employment history, and work experience.
- Clearly state and specifically identify in your proposal any subcontractors or subcontracts that are to be used to deliver any of the services contained in this RFP.
- Describe any other factors that you believe make you or your organization especially qualified to perform this project. Provide an organizational chart depicting personnel, roles/titles and reporting structure to support the proposed activities.

**c) Budget (OCFS-3104 I-VIII)**

All proposers must submit a completed Budget with supporting schedules (I-VIII) as listed in Section E of this document.

**d) References**

Provide four (4) references, with whom the bidder has worked within the past five (5) to ten (10) years and who can attest to the bidder's qualifications, by listing the organization name, address, contact person, email address, and telephone number. These four references should speak to the training expertise of the firm as outlined in Section A, Item 2. References will be contacted by phone, Monday through Friday, between 9:00 a.m. and 4:00 p.m. Bids will be rejected as non-responsive if references are not provided.

**e) Required Forms**

A summary of forms required for this proposal and those required of the successful bidder post award may be found in **Section E** of this document. Verify that all listed items contained on the Bidder's Checklist are included in the proposal submission as defined.

## **D. CONTRACT INFORMATION FOR SUCCESSFUL BIDDER(S)**

### **1. Contract Award**

A contract defining all deliverables and the responsibilities of the selected bidder(s) (contractor or contractors) and OCFS will be developed for signature by both parties and for approval and processing in accordance with State law, policy and practice.

### **2. Operational Manual for Training Vendors (OMTV)**

The Bureau of Training and Development (BTD) has developed a manual for training vendors' operations under contracts with OCFS. The successful bidder will be required to adhere to all provisions within the OMTV. The provisions of the OMTV, as the OMTV may be modified from time to time, will be considered part of the contract. BTD has strict requirements for many aspects of Training Vendor operations including but not limited to Training Evaluation and the use of the Human Services Learning Center (HSLC) for training registration, evaluation documentation and other training management related functions. **It is strongly recommended that all proposers access and review the OMTV at <http://ocfs.ny.gov/ohrd/OMTV/> prior to submitting a proposal.**

### **3. Appendix A (Standard Clauses for New York State Contracts)**

The terms of Appendix A, Standard Clauses for New York State Contracts, attached hereto, are hereby incorporated in this RFP and any resulting contract. The contractor is required to adhere to the provisions of Appendix A.

**For private for profit organizations, private not-for-profit organizations, private not-for-profit educational institutions, and other non-State entities where an award results in a contract, the terms and conditions for all funded projects are specified in a detailed contract that must be signed by OCFS and approved by the Attorney General and the Office of the State Comptroller before any work is begun or payments made. Upon contract award and completion of negotiations, OCFS will send successful applicants the complete contract for signature prior to submitting it to the Attorney General's Office for review and the Office of the State Comptroller for approval. The contract will not be final until approved by the Office of the State Comptroller**

### **4. Contract Term**

The anticipated term of the contract will be defined in the Face Page of the Contract Agreement, but is expected to begin January 1, 2017 and end on December 31, 2021. There will be a one (1) year initial contract period with up to four annual renewals. OCFS reserves the right to schedule work assignments as it deems appropriate and does not guarantee work as a result of the award of a contract. Annual funding will be contingent upon program needs, funding availability and contractor performance. The work plan agreement resulting from this procurement is renewable at OCFS' discretion.

### **5. Executive Order Number 38 – Limits on State-Funded Admin Costs and Executive Compensation**

On January 18, 2012 Governor Andrew M. Cuomo issued Executive Order Number 38 "*Limits on State-Funded Administrative Costs and 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 and the OCFS regulations promulgated pursuant to that order, unless notified to the contrary by OCFS. Executive Order 38 can be found at:

<http://executiveorder38.ny.gov/>.

**LEGAL NOTICE:** Based on 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 are not required to file Executive Order 38 Disclosures. For purposes of this notice, “conducting business” means having a place of business within Nassau County, providing program 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 potentially check the EO 38 website for updates regarding any changes to this notice.

## **6. Contract Readiness**

For private for profit organizations, private not-for-profit organizations, private not-for-profit educational institutions, and other non-state entities where an award results in a contract, the State's Prompt Contracting and Vendor Responsibility provisions require all state agencies to complete contract development and the signatory process within state prescribed timeframes. It is expected that the contract development process following this RFP will be expedited and awardees will need to be available and prepared to respond within required timeframes. If selected, awardees may be required to travel to Rensselaer for contract development and will need to cover the costs of that travel. Awardees who cannot meet prescribed timeframes for contract development and/or signature will, at OCFS discretion, and barring extenuating circumstances, lose funds awarded.

Prior to submitting an application for funding, applicants are responsible for various verifications which validate their capacity and organizational authority to receive public funding and operate as a not-for-profit corporation in the State of New York, or both. Awardee(s) must 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 Central Registry Vendor File, visit:

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

Not-for-profit vendors must be registered with the Attorney General’s Office 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 (in item 14 of this section). 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. Accessibility of Web Based Information and Applications**

Any web-based intranet and Internet information and applications development, or programming delivered pursuant to the contract or procurement, must comply with New York State Enterprise IT Policy NYS-P08-005, Accessibility of 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. Such quality assurance testing will be conducted by OCFS and the results of such testing must be satisfactory to OCFS before web content will be considered a qualified deliverable under the contract or procurement.

## **8. Contract Management System (CMS)**

OCFS has developed a comprehensive, web-based Contract Management System (CMS) providing technology that automates the contract development, claiming, and program reporting process. Vendors awarded contracts under this procurement will develop and electronically sign contracts through CMS. The opportunity to submit claims and program reports online is also available to CMS users. All vendors are required to include the Contract Management System (CMS) Contract Developer and Contract Signatory Authorization Form (OCFS-4821) located in *Summary of Required Documents* in section E of this document. All vendors must complete the entire form. In addition to OCFS-4821, a current organization chart that indicates where the organization head or the Chief Administrative Officer and the Contract Developers, Contract Signatories and Claim Signatories appear in relation to the Board of Directors and the organization as a whole must be on file with OCFS, and must be included with the proposal.

A description of CMS, including benefits to vendors, follows:

CMS standardizes the contract development process, automating labor-intensive tasks and providing system edits that reduce common errors. Interactive budget and contract documents streamline the development process. Interactive screens provide a user-friendly environment. Online claiming functionality allows for expedited payment of claims through the use of system edits, elimination of mailing time, and consolidation of all supporting documentation into one easy to access location. The system facilitates prompt contracting and prompt payment thereby making services available to the children and families of New York State in a timely manner. CMS features will permit vendors to do the following online:

- Develop, manage and electronically sign a contract online
- Receive alerts and notifications regarding the status of contract approval
- Permit correspondence between the vendor and OCFS
- Upload and download contract documents into CMS
- Process online budget modifications
- Process online claims including both advances and expenditures
- Upload supporting documentation for budget modifications and claims
- Submit program reports online
- Check the status of contracts and payments

CMS has no hardware requirements. Minimum computer requirements for participating are Internet access, Explorer 6.0 and Acrobat Reader 7.0. Acrobat Reader can be obtained free of charge at <http://get.adobe.com/reader/otherversions/>.

For Macintosh users, Safari 3.1 or higher is recommended and can be obtained free of charge at <http://www.apple.com/support/downloads/safari.html>.

## **9. Minority and Women-Owned Business Enterprises (MWBE) – Equal Employment Opportunity (EEO) - Requirements & 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.

For details on requirements and procedures, including documentation required for this solicitation, please refer to the OCFS Contract Policy Statements document.

## **10. 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, 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 percent (6%) 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: [http://ogs.ny.gov/Core/docs/CertifiedNYS\\_SDVOB.pdf](http://ogs.ny.gov/Core/docs/CertifiedNYS_SDVOB.pdf).

For additional information relating to the use of certified SDVOBs in contract performance, and participation by SDVOBs with respect to State Contracts through Set Asides, please refer to the following:

- Use of Service-Disabled Veteran-Owned Business Enterprises in Contract Performance
- Participation by Service-Disabled Veterans with Respect to State Contracts Through Set Asides
- <http://ogs.ny.gov/Core/SDVOBA.asp>

## **11. OCFS Rights**

OCFS reserves the right to:

- Place a monetary cap on the funding amount made in each contract award.
- Change any of the schedule dates stated in this RFP.
- Request all bidders who submitted proposals to present supplemental information clarifying their proposals either in writing or by formal presentation.
- Require that bidders, at the option of OCFS, include an oral presentation which would be considered in the evaluation of the proposal.
- Direct all bidders who submitted proposals to prepare modifications addressing RFP amendments and/or amend any part of this RFP with notification to all bidders. These actions are without liability to any bidder or other party for expenses incurred in the preparation of any proposals or modifications submitted in response to this RFP.
- Make funding decisions that maximize compliance with and address the outcomes identified in this RFP.
- 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.
- Eliminate any RFP requirements unmet by all bidders, upon notice to all parties that submitted proposals.
- Waive procedural technicalities, or modify minor irregularities, in proposals received, after notification to the bidder involved.

- Correct any arithmetic errors in any proposal, or make typographical corrections to proposals, with the concurrence of the bidder.
- Negotiate with the selected bidder(s) prior to contract award.
- Award 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.
- Award contracts to more than one bidder, or to other than the lowest bidder.
- 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.
- 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.
- 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.
- Make additional awards based on the remaining proposals submitted in response to this RFP and/or to provide additional funding to awardees if additional funds become available.
- Make inquiries of third parties, including but not limited to bidders' references, with regard to the bidders' experience, or other matters deemed relevant to the proposal by OCFS. By submitting a proposal in response to this RFP the bidder gives its consent to any inquiry made by OCFS.
- 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.
- Consider statewide distribution and regional distribution within New York City, including borough distribution methodology, in evaluating proposals.
- Suspend the Prompt Contracting time frames set forth at Article XI-B of the State Finance Law at the sole discretion of OCFS, for up to four and one-half months to accommodate the intricacies of contract development and finalization. Bidders are hereby advised that if they are selected for award, they will receive further written notice, setting forth the specifics and period of suspension anticipated. Prompt Contracting time frames may also be suspended for more than four and one-half months where significant and substantive differences exist between OCFS and the successful bidder, or when the successful bidder fails to negotiate in good faith.

## **12. Copyright**

All Bureau of Training and Development curricula used under this contract must be in compliance with OCFS Copyright Policy. As indicated by this Copyright Policy, OCFS adheres to and requires the successful bidder to adhere to the requirements of the Copyright Law, which is Federal law and contained in Title 17 of the United States Code, Sections 101 et seq. A copy of the OCFS copyright Policy may be found at <http://ocfs.ny.gov/ohrd/OMTV/OMTVfinal/OCFS Bureau of Training Copyright Policy.pdf>.

## **13. New York State Branding Guidelines**

The State of New York has issued branding guidelines that apply to all public communications, training products and documents produced under the agreement that will result from this request for proposals. These guidelines are not casual recommendations, but

a comprehensive set of rules to be followed by every person issuing communications on behalf of the state and its entities. Full compliance is expected. All bidders are responsible for familiarizing themselves and complying with the guidelines. A copy of the branding guidelines may be found at [http://ocfs.ny.gov/ohrd/OMTV/OMTVfinal/NYS\\_GUIDELINES.PDF](http://ocfs.ny.gov/ohrd/OMTV/OMTVfinal/NYS_GUIDELINES.PDF).

#### **14. Subcontractors**

Subcontracting of the services in the contract resulting from this RFP, or any part of it, is allowed only with the prior written approval of OCFS. Any proposed use of subcontracts must be identified in detail in the proposal. The bidder or contractor must identify the proposed subcontractor, the services to be subcontracted, and the expected dollar value of the subcontract. For subcontracts employing trainers, résumés or curriculum vitae must be submitted detailing experience relevant to the requirements of Section A of this document.

Specific Bureau of Training and Development guidelines regarding subcontracts can be found in the OMTV at <http://ocfs.ny.gov/ohrd/OMTV/>.

A subcontractor shall be defined as any organization or person who is not an active employee of the contractor, but who is otherwise engaged or assigned to perform work under the contract. All agreements between the contractor and its subcontractors shall be by bona fide written contract.

The contractor shall include in all subcontracts in such a manner that they will be binding upon each subcontractor with respect to work performed in connection with the contract, provisions consistent with those found in the contract, including, but not limited to:

- That the work performed by the subcontractor must be in accordance with the terms of the contract;
- That the subcontractor shall comply with the provisions of section 5-a of the Tax Law;
- That nothing contained in such subcontract shall impair the rights of OCFS;
- That nothing contained herein shall create any contractual relationship between any subcontractor and OCFS;
- That the subcontractor shall maintain all records with respect to work performed by the subcontractor in a manner that meets all OCFS requirements as detailed in the OMTV; and
- That OCFS shall have the same authority to audit the records of all subcontractors as it does those of the contractor.

The contractor shall be fully responsible to OCFS for the acts and omissions in the performance of services as requested in the RFP and required under the contract by persons directly employed or used by the contractor. The contractor shall be fully responsible to OCFS for the acts and omissions of the subcontractors and all persons either directly or indirectly employed or used by the subcontractors in the performance of services as requested in the RFP and as required by the contract with OCFS. The contractor shall not in any way be relieved of any programmatic or financial responsibility under the contract by its agreement with any subcontractor or by OCFS's approval of such an agreement with a subcontractor.

OCFS reserves the right to reject any proposed subcontractor for any reason, which may include, but is not limited to: (i) that the proposed subcontractor is on the Department of Labor's list of companies with which New York State cannot do business; or (ii) OCFS determines that the proposed subcontractor is not qualified or has previously provided unsatisfactory contract or subcontract performance or service.

## **15. Federal Requirements**

OCFS will be using federal dollars to fund all or part of the project contained in this procurement. The Federal funding requirements are included in the Attachments section of this RFP, and will be included as Appendix A-3 Federal Assurances and Certification, of any contract that results from this RFP.

## **16. Vendor Responsibility Requirements**

New York State Finance Law requires that state agencies award contracts to responsible contractors including but not limited to not-for-profit and for-profit vendors. 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, and a review of the most recently issued independently audited annual financial statements, that must be included with each bid. This solicitation requires the Proposers to submit a hard copy bid proposal. Therefore, if a Proposer opts to register with the New York State VendRep System in order to complete the Vendor Responsibility Questionnaire on-line, then a printed copy of the VendRep Form Overview Page verifying that your organization's certification date is within six months of the proposal due date of this solicitation is required with your hardcopy bid proposal. OCFS will review the Questionnaire (on-line or hardcopy), the audited financial statements and the information provided before making an award. Any subcontractors under the proposed contract will also be subject to Vendor Responsibility Questionnaire requirements when the value of the subcontract is projected to be \$100,000 or more for the contract term.

OCFS reserves the right to reject any proposal if, in the sole discretion of OCFS, it determines the bidder is not a responsible vendor, or is not, or may not be, during the life of the contract, a stable financial entity. All proposals are subject to 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 OSC.

## **17. Workers' Compensation Law**

New York State Workers' Compensation Law (WCL) and Section 142 of the State Finance Law requires that businesses contracting with New York State HAVE and MAINTAIN workers' compensation and disability insurances. Responders to the RFP must submit proof of these insurances with all proposals, in the form described below. In the event an award is made from this RFP and the proof of insurance submitted with a proposal has expired, updated proof must be submitted during contract development. Failure to submit the proof will delay the contract development process until the necessary proof is provided to OCFS.

## **18. 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 submit appropriate proof of coverage to the state contracting entity issuing the contract. For each new contract or contract renewal, the state contracting entity must obtain ONE of the following forms from the contractor and submit it to OSC to prove the contractor has appropriate workers' compensation insurance coverage. The forms can be accessed a

<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.

## **19. 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 must submit appropriate proof of coverage to the State contracting entity issuing the contract. For each new contract or contract renewal, the contracting entity must obtain ONE of the following forms from the contractor and submit to OSC to prove the contractor has appropriate disability benefits insurance coverage. The forms can be accessed at

<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.

## **20. Required Electronic Payments and Substitute Form W-9**

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

As New York State proceeds with implementing the new Statewide Financial System (SFS), 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 the vendor file contains 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 also file a Substitute Form W-9 with their Electronic Payment Authorization Form.

More information concerning these new requirements, including forms and contacts for questions, can be found at <http://www.osc.state.ny.us/epay/how.htm>.

## **21. Organizational Chart**

Private for-profit and private not-for-profit organizations, including private not-for-profit educational institutions, public educational institutions and other non-state entities where an award results in a contract must include a current organization chart that depicts the entire organization structure and indicates where the organization head or the Chief Administrative Officer and the Contract Developers, Contract Signatories and Claim Signatories appear in relation to the Board of Directors and the organization as a whole.

## **22. 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 "Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the OGS website at <http://www.ogs.ny.gov/about/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 its engagement in the investment activity which 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, 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.

## **23. Public Information Requirements**

All the proposals upon submission will become the property of OCFS. OCFS will have the right to disclose all or any part of a proposal to public inspection based on its determination of what disclosure will serve the public interest. Prospective bidders are further advised that, except for trade secrets and certain personnel information all parts of proposals must be disclosed to those members of the general public making inquiry under the New York State Freedom of Information Law (New York State Public Officers Law, Article 6). Should a bidder wish to request an exception from public access to information contained in its proposal, the bidder must specifically identify the information and explain in detail why public access to the information would be harmful to the bidder. Use of generic trade secrets legends encompassing substantial portions of the proposal or simple assertions of trade secret interest without substantive explanation of the basis therefore will be regarded as non-responsive to this requirement for specificity and explanation. Non-responsive requests for exception from public access will not be considered by OCFS in the event a Freedom of Information request for proposal information is received.

## **24. Independent Annual Audits - Policy**

OCFS will: (1) Require vendors to provide copies of audits performed in accordance with federal requirements (e.g., A-133 audits); and (2) Encourage all training and administrative activities vendors to have annual audits performed by independent auditors. All such audits will include an assessment of the vendor's compliance with OCFS policies including, but not limited to, the terms of the 1994 settlement agreement between the United States Government and the State of New York; and (3) Require that all audits performed by independent auditors comply with Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States, and that a copy of all reports is sent to BTM (Finance and Administration Unit). Although performance of annual independent audits is encouraged, related costs are considered non-allowable for reimbursement by OCFS.

## E. SUMMARY OF REQUIRED DOCUMENTS

Below is a table summarizing the documents to be completed and submitted with the bidder's proposal as well as the forms that the selected bidder will need to complete prior to a contract being approved. Some documents are provided for reference only. All documents listed below and instructions for each can be found at: <http://ocfs.ny.gov/ohrd/rfp/>. Verify documents also listed in the Bidder Checklist are submitted with Technical or Cost Proposal as required.

Document Name	Required with Proposal Submission	Required with Contract	Required for Public Bidders	Required for Not For Profit (NFP) Bidders	Required for For-Profit (FP) Bidders	Provided for Reference
Cover Letter	X		X	X	X	
Bidder Check List	X		X	X	X	
Application for Training and Administrative Activities Contract (OCFS-3101) SIGNED HARD COPY REQUIRED	X		X	X	X	
Budget (OCFS-3104 I-VIII); including Indirect Cost Rate Agreement (if applicable) and Budget Narrative	X		X	X	X	
Administrative Activities Sub-Budget & DAB-1666 Reporting (OCFS-3104A I-VIII)		X	X	X	X	
Public Vendor Share Worksheet (OCFS-4798)		X	X			
Bidder Identification Form (OCFS-4553)	X		X	X	X	
Staff Résumés or Curriculum Vitae(s) OR Professional Qualification Biographical Sketch (OCFS-4792)	X		X	X	X	
Non-Discrimination/Non-Sectarian Compliance (OCFS-4555)	X			X	X	
Contract Management System (CMS) Authorization Form (OCFS-4821) SIGNED HARD COPY REQUIRED	X			X	X	

Document Name	Required with Proposal Submission	Required with Contract	Required for Public Bidders	Required for Not For Profit (NFP) Bidders	Required for For-Profit (FP) Bidders	Provided for Reference
<ul style="list-style-type: none"> <li>• <i>Equal Employment Opportunity Policy Statement (or use OCFS—3460 – MWBE Equal Opportunity Policy Statement)</i></li> <li>• Project Staffing Plan (OCFS-4629)</li> <li>• M/WBE Utilization Plan (OCFS-4631)</li> <li>• Workforce Utilization Report (OCFS-2171 and OCFS-2171a)</li> </ul>		X	X	X	X	
M/WBE Compliance Reporting (OCFS-4441)						X
Contractor Employee and Volunteer Background Certification (OCFS-4716)		X	X	X	X	
Contractor Employee Confidentiality Certification Form (OCFS-4715)		X	X	X	X	
State Consultant Services – Contractor’s Planned Employment (OCFS-4842 Form A)		X		X	X	
MacBride Fair Employment Principles Certification – SIGNED HARD COPY REQUIRED	X				X	
Non-Collusive Bidding Certification Required by Section 139-D of the State Finance Law Certification – SIGNED HARD COPY REQUIRED	X				X	

Document Name	Required with Proposal Submission	Required with Contract	Required for Public Bidders	Required for Not For Profit (NFP) Bidders	Required for For-Profit (FP) Bidders	Provided for Reference
<b>Training and Administrative Activities List (TAAL) (OCFS-3102)</b>		X	X	X	X	X
<b>Not-For-Profit Vendor Responsibility Documentation:</b> <ul style="list-style-type: none"> <li>• Vendor Responsibility Questionnaire (on-line via VendRep System with Overview Page submittal required) via:  <a href="http://www.osc.state.ny.us/vendrep/vendor_index.htm">http://www.osc.state.ny.us/vendrep/vendor_index.htm</a> </li> <li>• OR</li> <li>• Vendor Responsibility Questionnaire (AC-3290-S) (HARD COPY VERSION WITH NOTARIZED SIGNATURE REQUIRED)</li> <li>• Board of Directors Profile (OCFS-4552) SIGNED HARD COPY REQUIRED</li> <li>• Certificate of Incorporation (no associated form)</li> <li>• Exemption from Income Taxes (no associated form)</li> <li>• Financial Statement (no associated form)</li> <li>• Proof of Workers' Compensation Coverage</li> <li>• Proof of Disability Benefits Coverage</li> </ul>	X			X		

Document Name	Required with Proposal Submission	Required with Contract	Required for Public Bidders	Required for Not For Profit (NFP) Bidders	Required for For-Profit (FP) Bidders	Provided for Reference
<p><b>For-Profit Vendor Responsibility Documentation:</b></p> <ul style="list-style-type: none"> <li>• <b>Vendor Responsibility Questionnaire (on-line via VendRep System with Overview Page submittal required) via:</b>  <a href="http://www.osc.state.ny.us/vendrep/vendor_index.htm">http://www.osc.state.ny.us/vendrep/vendor_index.htm</a></li> <li style="text-align: center;"><b>OR</b></li> <li>• <b>Vendor Responsibility Questionnaire (AC-3290-S) (HARD COPY VERSION WITH NOTARIZED SIGNATURE REQUIRED)</b></li> <li>• <b>Board of Directors Profile (OCFS-4552) SIGNED HARD COPY REQUIRED</b></li> <li>• <b>Certificate of Incorporation (no associated form)</b></li> <li>• <b>NYS Department of Tax And Finance Contractor Certification (ST-220-TD) and Contractor Certification to Covered Agency (ST-220-CA)</b></li> <li>• <b>Financial Statement (no associated form)</b></li> <li>• <b>Proof of Workers' Compensation Coverage</b></li> <li>• <b>Proof of Disability Benefits Coverage</b></li> </ul>	X				X	

Document Name	Required with Proposal Submission	Required with Contract	Required for Public Bidders	Required for Not For Profit (NFP) Bidders	Required for For-Profit (FP) Bidders	Provided for Reference
<p><b><u>Sample Contract Documents for Not for Profit and For-Profit Organizations:</u></b></p> <ul style="list-style-type: none"> <li>• <b>Cover and Signature Pages;</b></li> <li>• <b>New York State Agreement;</b></li> <li>• <b>Appendix A ~ Standard Clauses for All New York State Contracts;</b></li> <li>• <b>Appendix A-1 ~ Standard Clauses for All OCFS Contracts;</b></li> <li>• <b>Appendix A-2 ~ Bureau of Training Additional Assurances;</b></li> <li>• <b>Appendix A-3 ~ Federal Assurances and Certifications;</b></li> <li>• <b>Appendix M/WBE ~ Participation by Minority Group Members and Women with Respect to State Contracts: Requirements and Procedures;</b></li> <li>• <b>Appendix B (cover page)/Vendor Budget</b></li> <li>• <b>Appendix C ~ Payment and Reporting Terms and Conditions (Line Item Budget);</b></li> <li>• <b>Appendix D ~ Project Deliverables (cover page)/Vendor Proposal Narrative</b></li> <li>• <b>State Consultant Services – Contractor’s Planned Employment (OCFS-4842 Form A)</b></li> </ul> <p><b>(continued on next page)</b></p>				X	X	X

Document Name	Required with Proposal Submission	Required with Contract	Required for Public Bidders	Required for Not For Profit (NFP) Bidders	Required for For-Profit (FP) Bidders	Provided for Reference
<ul style="list-style-type: none"> <li>Appendix X- Modification Agreement Form; and</li> <li>Non-Discrimination/Non-Sectarian Compliance form</li> </ul>				X	X	X
<u>Sample Contract Documents for Public Vendors Only</u> <ul style="list-style-type: none"> <li>Additional Assurances</li> <li>Appendix A-3 ~ Federal Assurances; and</li> <li>Appendix M/WBE</li> </ul>			X			X
2017 RFP Training Vendor Forms Instructions						X

Document Name	Required with Proposal Submission	Required with Contract	Required for Public Bidders	Required for Not For Profit (NFP) Bidders	Required for For-Profit (FP) Bidders	Provided for Reference
<p><b><u>OCFS Contract Policy Statements:</u></b></p> <ul style="list-style-type: none"> <li>• <b>Employment of Qualified Applicants/Recipients of Public Assistance</b></li> <li>• <b>Minority and Women-Owned Business Enterprises (MBWE) – Equal Employment Opportunity (EEO) - Requirements and Procedures</b></li> <li>• <b>Service-Disabled Veteran Owned Business (SDVOB)</b></li> <li>• <b>Omnibus Procurement Act</b></li> <li>• <b>Confidentiality and Protection of Human Subjects</b></li> <li>• <b>Executive Order Number 38 – Limits on State-Funded Admin Costs and Executive Compensation</b></li> <li>• <b>OCFS Procedure for Handling of Protests/Appeals of Bid Specifications and Proposed Awards</b></li> <li>• <b>Consultant Disclosure Reporting Requirements</b></li> <li>• <b>Disproportionate Minority Representation (DMR) in the Child Welfare and Juvenile Justice Systems</b></li> </ul>			X	X	X	X