



**Office of Children  
and Family Services**

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**New York State  
Office of Children and Family Services**

**Grant Procurement**

**REQUEST FOR PROPOSALS  
CFS01-RFP# 2018-09**

Infant/Toddler Regional Services

**Issued: February 14, 2018**  
**Amended: February 16, 2018**  
**Amended: March 7, 2018**  
**Amended: March 19, 2018**

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## 1.0 GENERAL INFORMATION/CALENDAR OF EVENTS

The New York State Office of Children and Family Services (OCFS) seeks proposals from qualified not-for-profit organizations to act as lead Infant/Toddler agencies, in each of seven regions across New York State (NYS), to address the unique and special needs of the infant/toddler population.

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

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

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

### 1.1 Procurement Contact

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

Director of Contracts  
Questions for **CFS01-RFP# 2017-02**  
Infant/Toddler Regional Services  
New York State Office of Children and Family Services  
52 Washington Street, Room 202S – RFP Unit Rensselaer,  
NY 12144

### 1.2 Calendar of Events (AMENDED 3/7/2018)

RFP (CFS01-RFP# 2017-02) – Infant/Toddler Regional Services	
EVENT	DATE
Issuance of Request for Proposals	February 14, 2018
Deadline for Submission of Written Questions	February 28, 2018 by 5:00 p.m. ET
Responses to Written Questions Posted in GGS (Anticipated)	March 7, 2018
Recommended Deadline to Prequalify in GGS	March 14, 2018
Deadline for Submission of Proposals	March <del>24</del> 28, 2018 by 3:00 p.m. ET

<b><i>Anticipated Notification of Award (not earlier than)</i></b>	<b>May 2, 2018</b>
<b><i>Anticipated Contract Start Date (not earlier than)</i></b>	<b>July 1, 2018</b>

**1.3 Informational Meeting/Technical Assistance Session**

Not Applicable

**1.4 Submission of Written Questions**

All questions and requests for clarification, or to report errors or omissions in the procurement process, of this RFP should cite the particular RFP section and paragraph number and must be submitted via email (preferred) at [RFP@ocfs.ny.gov](mailto:RFP@ocfs.ny.gov), or by hard copy mail to the director of contracts no later than the deadline for submission of written questions specified in **Section 1.2 Calendar of Events**. Questions received after the deadline may not be answered. The comprehensive list of questions and responses will be posted in the solicitation announcement in the New York State Grants Gateway System (“GGG” or “Grants Gateway”) on the date specified in **Section 1.2. Calendar of Events**. To view the comprehensive list of questions and responses:

- Go to <https://grantsgateway.ny.gov>
- Next, click the “Search Now” button to search for the Grant Opportunity
- On the right-hand side, you will see a section called “Full Announcement Details” and a line labeled “Questions and Answers Link or Upload.” Then click where it says “Click here.”
- When you click the link, the questions and responses will be available there to download.

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

Not-for-Profit applicants are strongly encouraged to prequalify in the Grants Gateway by the date specified in the table in section 1.2, and **MUST** prequalify by the date of submission. Please refer to **Section 3 Minimum Qualifications to Propose and Prequalification Process**.

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

**1.6 Submission of Proposals (AMENDED 3/7/2018)**

All proposals must be submitted electronically through Grants Gateway. Please refer to **Section 5 Proposal Content and Submission** for further information. Prior to submitting a proposal, bidders must pre-qualify in the Grants Gateway System. (See **Section 3 Minimum Qualifications to Propose and Prequalification Process** for further information.)

**Forms required to be submitted into the “Pre-Submission Uploads” section of the application:**

- A. [MacBride Fair Employment Principles Certification Form \(OCFS-2633\)](#)
- B. [Non-Collusive Bidding Certification \(OCFS-2634\)](#)
- C. [Attachment A-2 \(Federal Assurances\)](#)
- D. For complete proposal and contract requirements for the Minority- and Women-Owned Business Enterprises (MWBE) and Equal Employment Opportunity (EEO) requirements, refer to section ~~7.6~~ 7.10. The following are forms to be completed and submitted with your administrative proposal and can be found [here](#):
  - *Project Staffing Plan Form (OCFS-4629)*
  - *Minority and Women-Owned Business Enterprise (MWBE) Equal Employment Opportunity (EEO) Policy Statement (OCFS-3460)*
  - ~~*MWBE Utilization Plan Form (OCFS-4631)*~~
- E. For complete proposal and contract requirements for the New York State Service-Disabled Veteran-Owned Business (SDVOB) Act, please refer to section 7.7 and complete the following attachment: [Use of ServiceDisabled Veteran-Owned Business Enterprises in Contract Performance](#)

## **1.7 OCFS Reserved Rights**

OCFS reserves the right to:

1. place a monetary cap on the funding amount made in each contract award;
2. change any of the schedule dates stated in this RFP prior to the due date for the submission of proposals;
3. reject any or all proposals received in response to the RFP;
4. withdraw the RFP at any time at the agency's sole discretion;
5. make an award under the RFP in whole or in part;
6. disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFP;
7. reject any proposal if, in the sole discretion of OCFS, it determines the bidder is not a responsible vendor;
8. seek clarification and revisions of proposals. Request bidders to present supplemental information clarifying their proposals either in writing or by formal presentation. Other than the requested clarification and supplemental information, submission of new information is not permitted;
9. require that bidders demonstrate, to the satisfaction of OCFS, any feature(s) present as a part of their proposal, which may include an oral presentation of their proposal. Any such demonstration or presentation may be considered in the evaluation of the proposal;

10. amend any part of this RFP prior to opening of bids, with notification to all bidders, and direct all bidders to prepare modifications addressing RFP amendments, if necessary. Expenses incurred in the preparation of any proposals or modifications submitted in response to this RFP are the sole responsibility of the bidder or other party and will not be incurred or reimbursed by OCFS;
11. make funding decisions that maximize compliance with and address the outcomes identified in this RFP;
12. fund only one portion, or selected activities, of the selected bidder's proposal and/or adopt all or part of the selected bidder's proposal based on federal and state requirements;
13. eliminate any RFP requirements that cannot be met by all prospective bidders upon notice to all parties that submitted proposals;
14. waive procedural technicalities or modify minor irregularities in proposals received after notification to the bidder involved;
15. correct any arithmetic errors in any proposal or make typographical corrections to proposals with the concurrence of the bidder;
16. negotiate with the selected bidder(s) prior to contract award;
17. conduct contract negotiations or award a contract to the next highest bidder if contract negotiations with the selected bidder(s) cannot be accomplished within an acceptable time frame. No bidder will have any rights against OCFS arising from such actions;
18. award contracts to more than one bidder or to other than the lowest bidder;
19. require that all proposals be held valid for a minimum of 180 days from the closing date for receipt of proposals, unless otherwise expressly provided for in writing;
20. fund any or all of the proposals received in response to this RFP. However, issuance of this RFP does not commit OCFS to fund any proposals. OCFS can reject any proposals submitted and reserves the right to withdraw or postpone this RFP without notice and without liability to any bidder or other party for expenses incurred in the preparation of any proposals submitted in response to this RFP and may exercise these rights at any time;
21. use the proposal submitted in response to this RFP as part of an approved contract. At the time of contract development, awardees may be requested to provide additional budget and program information for the final contract;
22. utilize any and all ideas submitted in the proposals received where an award is ultimately made;
23. require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose

- of assuring a full and complete understanding of an offerer's proposal and/or to determine an offerer's compliance with the requirements of the solicitation;
24. make additional awards based on the remaining proposals submitted in response to this RFP and/or provide additional funding to awardees if such funds become available;
  25. make inquiries of third parties, including but not limited to, bidders' references, with regard to the applicants' experience or other matters deemed relevant to the proposal by OCFS. By submitting a proposal in response to this RFP, the applicant gives its consent to any inquiry made by OCFS;
  26. require contractors to participate in a formal evaluation of the program to be developed by OCFS. Contractors may be required to collect data for these purposes. The evaluation design will maintain confidentiality of participants and recognize practical constraints of collecting this kind of information;
  27. consider statewide distribution and regional distribution within New York City, including borough distribution methodology, in evaluating proposals; and
  28. rescind awards for failure of awardees to meet timeframes that OCFS is required by statute to meet for contract development and approval.
  29. cancel this RFP, in whole or in part, at any time and to reject any and all proposals when appropriate in the best interests of the state; and
  30. make adjustments to the funding amount requested based on program need and based on the total dollar value of the applications submitted.
  31. Prior to the deadline for submission of proposals, any such clarifications or modifications as deemed necessary by OCFS will be posted in Grants Gateway, the Contract Reporter, and on the OCFS website.

## **2.0 EXECUTIVE OVERVIEW**

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

OCFS is pleased to announce the funding opportunity for Infant/Toddler (I/T) Regional Services. These services are described in this RFP for the purpose of awarding contracts to qualified not-for-profit organizations that demonstrate the ability to provide the services as described herein.

These services will be funded to address, on a statewide basis, the unique and special needs of the I/T population. Contracts will be awarded in each of the seven regions across the state. Lead agencies will develop and coordinate I/T services in partnership with OCFS. Lead agencies will be expected to collaborate with Child Care Resource and Referral Centers (CCR&Rs) within each of their corresponding regions. I/T Regional Services will be provided to promote an understanding of the importance of, and strategies for improving, the quality of care for infants and

toddlers. Services will include providing technical assistance to providers on best practices in serving infants and toddlers, assisting providers in addressing issues that have been identified in their program(s) as of importance to the I/T population, working with providers as they develop new I/T care, promoting and facilitating child care staffing to obtain specialized training in serving the I/T population, and making available I/T information on best practices in various mediums to the child care provider community.

## **2.2 OCFS Statewide Considerations**

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

## **2.3 Purpose and Funding Availability**

OCFS's 2017-18 budget allocates approximately \$1.1 million of federal funds to provide I/T Regional Services as described in this Request for Proposal (RFP). The purpose is to award seven contracts (one per region) to qualified not-for-profit organizations that demonstrate the ability to act as lead agencies and provide the services as described in this RFP. The maximum amount of the award per region is contained in Attachment #2.

### **I/T Regional Services.**

The RFP seeks proposals for the I/T services on a regional basis. OCFS will award one contract per region for a total of seven contracts. All bids will require an individual proposal for each region to be served.

### **The following information applies to the funding opportunity:**

It is important to note that state reimbursement will not be available until the selected lead agencies and the NYS OCFS enter into a contract, and the New York State Office of the Attorney General, and the New York State Office of the State Comptroller (OSC) approve the contract. Costs will be paid only for expenditures incurred after the contract start date. Upon approval of the contract, an advance of up to 25 percent of the contract may be made available to the selected contractor in accordance with 2 CFR section 200.305.

OCFS will provide the lead agencies selected to implement the services with copies of all applicable statutes and regulations, required notices to parents and providers, and any other agency forms and notices. ALL proposed forms and required documents must be reviewed and approved by OCFS prior to their use by the contractor.

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

#### **2.4 Term of Contract (AMENDED March 19, 2018)**

The contract(s) awarded in response to this RFP will be for five years. The anticipated start date is 7/1/18. The anticipated end date is ~~6/30/22~~ **6/30/23**. Funding is currently anticipated to be available for the first year of the contract, and the award of a multi-year contract does not guarantee that funding will be available for subsequent years. Lead agencies may not begin to provide services prior to the contract start date; OCFS has no obligation to pay for services rendered prior to that time. The contract(s) awarded will be subject to the continued availability of funding.

### **3.0 MINIMUM QUALIFICATIONS TO PROPOSE AND PREQUALIFICATION PROCESS**

#### **3.1 Minimum Qualifications**

Only not-for-profit organizations are eligible for funding announced in this RFP. A Letter of Commitment from each local department(s) of social services (LDSS) of each county to be provided with I/T services is required to be submitted in the “PreSubmission Uploads” section of your application. OCFS will only contract with organizations whose governing board (board of directors) includes a minimum of three (3) members. Please include minutes and attendance records from the last three board meetings.

#### **3.2 Prequalification Process**

New York State has instituted key reform initiatives to the grant contract process that require not-for-profit organizations to register in the New York State Grants Gateway System (GGS) and complete the Vendor Prequalification process in order for proposals to be evaluated. Not-for-profit organizations will only have to prequalify once every three years, with the responsibility to keep their information current throughout the three-year period.

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

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

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

### 3.2.1 Register for the Grants Gateway

- On the Grants Reform website, download a copy of the [Registration Form for Administrator](#). A signed, notarized original form must be sent to the Division of Budget at the address provided in the instructions. You will be provided with a username and password allowing you to access the Grants Gateway.
- If you have previously registered and do not know your username, email [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov). If you do not know your password, click the [Forgot Password](#) link from the main log in page and follow the prompts.

### 3.2.2 Complete Your Prequalification Application

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

### 3.2.3 Submit Your Prequalification Application

- After completing your prequalification application, click the Submit Document Vault link located below the “Required Documents” section to submit your prequalification application for state agency review. Once submitted, the status of the document vault will change to “In Review.”
- If your prequalification reviewer has questions or requests changes, you will receive email notification from the GGS.
- Once your prequalification application has been approved, you will receive a GGS notification that you are now prequalified to do business with NYS.

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

### **3.3 Vendor Responsibility Requirements**

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

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

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

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

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

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

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

Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor Identification Number or for direct VendRep System user assistance, the OSC Help Desk may be reached at 866370-4672 or 518-408-4672 or by email [ciohelpdesk@osc.state.ny.us](mailto:ciohelpdesk@osc.state.ny.us).

The New York State VendRep System offers the following benefits:

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

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

Confirmation of **completion** of the vendor responsibility process must be submitted with your proposal. This confirmation can take the form of registration in the VendRep system, or by submitting your completed hardcopy questionnaire. To submit this confirmation with your application, go to the bottom of your certified questionnaire, and click the button called "Form Overview." Print this page and upload it to the proposal. Upload the page into your proposal by going to the "PreSubmission Uploads" section of the RFP in the GGS. While it is not recommended, you have the option of uploading a completed hardcopy *Vendor Responsibility Questionnaire* to the "Pre-Submission Uploads" section.

## 4.0 PROGRAM REQUIREMENTS

### 4.1 Desired Outcomes and Program Requirements

#### **Infant/Toddler (I/T) Regional Services**

The funding opportunity in this RFP is presented in an outcome-based format. The contract structure has been created to establish an acceptable and reasonable level of I/T services on a regional basis in New York State. Applicants are expected to provide all identified listed I/T services and propose the number of milestones or units of service they will provide for milestones #1 through #3 below.

The regional I/T services have defined and measurable milestones, with associated unit costs that will be used for payment purposes on a quarterly basis. These I/T services described below include: Basic technical assistance, intensive technical assistance and training (see Attachment 1 for fixed unit cost rates).

All other activities identified through an I/T regional services strategic plan, which are not already identified as measurable milestones, will be considered regional I/T general services (see Milestone #4 below). Payments to cover the costs of these core functions and services will be made on a quarterly basis at the fixed cost rate proposed on Attachment 3.

Bidders must describe how they will provide services in the region(s) they propose to serve to promote an understanding of the importance of and strategies for improving the quality of care for infants and toddlers. Lead agencies will develop and coordinate I/T services regionally in partnership with OCFS. Lead agencies will be expected to collaborate with Child Care Resource and Referral Centers (CCR&Rs) within each of their corresponding regions. I/T Regional Services will address the unique and special needs of the I/T population. The services will include providing technical assistance to providers on best practices in serving infants and toddlers, assisting providers in addressing issues that have been identified in their program(s) as of importance to the I/T population, working with providers as they develop new infant and toddler care, promoting and facilitating child care staffing to obtain specialized training in serving the infant and toddler population, and making available infant and toddler information on best practices in various mediums to the child care provider community. Listed below are the Regional Infant/Toddler Milestone definitions which will be included in the Attachment C section of a new contract when developed.

#### **Milestone #1**

**Basic Technical Assistance:** I/T Regional Services provide access to information on such topics as best practices for infant/toddler child care, indicators of quality infant/toddler child care programs, information on business administration practices for infant/toddler child care services, and regulations governing program compliance to all individuals working in licensed and registered programs, to individual programs and to the community. Technical assistance is provided through all modes of written and verbal communication: Phone, email, and fax. The unit cost includes: Intake and consultation, research and material development, if appropriate, and related administrative costs. Payment is based on the number of basic technical assistance service units provided multiplied by the per unit of service rate contained in Attachment 1.

#### **Milestone #2**

**Intensive Technical Assistance:** I/T Regional Services provide access to information on such topics as: Best practices for infant/toddler child care, indicators of quality infant/toddler child care programs, information on business administration practices for infant/toddler child care, and regulations governing program compliance to licensed and registered programs. This information is tailored to address the specific needs of the provider/program. Technical assistance is provided in person, face-to-face, and is for duration of at least one hour in length. The unit cost includes: Intake, preparation, travel time and expenses, consultation, and research and material development, if appropriate, and related administrative costs. Payment is based on the unit cost rate per hour

in Attachment 1 multiplied by the number of contact hours of intensive technical assistance provided, regardless of the number of people served.

### **Milestone #3**

**Training:** This milestone refers to a group presentation that can be conducted in any location on a variety of topics aimed at improving services to infants/toddlers. There are no specific eligibility requirements for participants. The unit cost includes: Preparation time, travel to the training site and training materials. Payment is based upon the unit cost rate per hour in Attachment 1 multiplied by the number of hours for each training session.

### **Milestone #4**

**Core Functions and Services:** This category would cover all activities and services not already identified through the Infant/Toddler regional services. These services, which are not identified as the measurable milestones, will be considered Regional Infant/Toddler general services. Payments to cover the costs of these services will be made each quarter of the contract. Bidders will propose a unit cost fee to be paid per quarter, which must be a minimum of 10 percent and not exceed 40 percent of the total funding amount.

Some of the activities may include:

- General administration and management functions, including but not limited to: Staffing and personnel development, planning and operations, fund development, reporting requirements, submission of (A-133) annual audits to OCFS and the flow of day-to-day operations within the organization.
- Community outreach and educational services, including but not limited to: Compiling data about supply and demand for I/T services in the community, development of public education and other resource materials, networking with other human services programs, and marketing I/T services.

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

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

## 5.0 PROPOSAL CONTENT AND SUBMISSION

### 5.1 Technical Proposal Content/Work Plan

The purpose of the Work Plan is to provide a clear description of what requested project funds will pay for, the expected outcomes for the proposed project services, and the programmatic rationale for the proposed project budget. The Work Plan must be responsive to the desired outcomes identified in **Section 4.1 Desired Outcomes and Program Requirements** of the RFP and provide value to the OCFS mission. OCFS expects that all project services funded by this procurement will be designed to be culturally and linguistically competent and cost efficient. Appropriate planning and development activities must be conducted by applicants to promote responsiveness to the target population of this RFP. Services provided must accommodate cultural and linguistic requirements of the target population and/or community to be served.

Applicants should create a word document from the Work Plan Template available in GGS, by doing the following:

1. Download the Work Plan template from the "Pre-Submissions Uploads" folder in your grant application;
2. Complete the Word document, and save it to refer to later when responding to questions as part of your proposal submission in the grants gateway system. This document **will not** be submitted into the GGS with your application; and,
3. Save the Work Plan for future reference, as this document will be the basis for an awardee's Work Plan in any subsequent contract for services.

The Work Plan consists of the following sections:

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

Please be sure to address all of the questions in each section comprehensively, yet succinctly. The number of points allocated to each area in the technical review appear in the table in 5.4 OCFS reserves the right to add additional bonus points to the final score/rating for proposals that are responsive to **Section 2.2 OCFS Statewide Considerations**.

### Guidelines for Each Section

Below are the sections and content that must be included.

## **A. Community**

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

- Describe planning activities that were conducted that contributed to the development of the proposal. Identify resources that were reviewed or consulted to develop your proposal, e.g., county plans, goals and/or statewide needs assessment(s). Include trends that support the demand for the proposed project services, identify demographic data (including data on the community's racial and ethnic composition), and social, and economic changes that may be of significance to the target community to receive project services.
- Discuss how the proposed project relates to the overall needs of the community. Identify how the community was involved in planning for the proposed project. Identify community agency partners that will assist with the project and community readiness to receive project services.

## **B. Target Population(s)**

The target population (individual, community, families, children, in some instances staff, etc.) is the intended recipient of project services for whom proposed project outcomes will be achieved. This section must describe the characteristics of the target population to be involved in the program, the geographic area or community to be served, and discuss why the client group is targeted to receive services. Discuss other indicators which contribute to the target population's need for project services (e.g., disconnected youth, disproportionate minority representation). Describe how the project will conduct outreach to clients. The target population represents the individuals and/or families who are the ultimate recipients of the proposed services, and those for whom you want to effect some level of change in their status.

## **C. Objectives, Tasks and Performance Measures**

OCFS uses an outcome-based approach to contracting. Outcome-based contracting is the provision of funding to achieve predefined demonstrated benefits for a specified population. It shifts the focus of contracting from service provision to the results of those services.

Objectives are the desired benefits or changes for the target population following their interaction with a program. They are the expected results of program intervention. Objectives may relate to knowledge, skills, attitudes, behaviors or conditions. Objectives are broad, often long term, and are more general than tasks.

Program objectives must be consistent with the desired RFP objectives and address identified problems, conditions, needs, and behaviors of the target population.

Objectives should:

- address at least one significant identified need of the target population(s);
- identify the expected results (changes in the condition, status or behavior of the target population) as opposed to the activities designed to produce those results;
- identify results that will significantly contribute to the achievement of the desired objectives;
- be clearly defined, have tasks and be measurable;
- be achievable with the resources available to the program; and
- identify appropriate and realistic methods to verify task attainment.

For evaluation purposes, steps may be taken by OCFS prior to program implementation to further refine performance objectives of successful applicants.

#### **D. Proposed Project Description**

This section describes the specific service model, services and activities to be conducted by the project.

- Discuss how the proposed model will address the current status of the target population.
- Discuss which specific services, core features or essential elements will be funded by the proposed project. Include sufficient detail to demonstrate that the design and delivery of the program is likely to result in attainment of the performance objectives you selected.
- Identify plans for outreach, collaboration and coordination in and with the community. Cite any special outreach efforts the project will conduct.
- Discuss how the project will interface with other in-house services and services available in the community.
- Describe who has a role in the design of the program and why this approach is the best way to achieve the expected objectives.
- Discuss cultural and linguistic considerations for the delivery of services to the target population and how the program will encourage successful case objectives for the target population.
- Discuss how the applicant will obtain ongoing input regarding customer satisfaction with project services from the community.

#### **E. Project Staff**

This section provides a comprehensive overview of the proposed project's staffing pattern, staff qualifications, staff development and project supervision.

- Describe the title and role of staff to be hired by the project, required staff qualifications, how staff orientation and training will be provided, and how supervision of staff will be provided.
- Describe how the staffing pattern for the proposed project is representative of the community, cultures, and languages of persons

targeted to receive services. Cultural competence and awareness are considered critical factors.

- Discuss what activities will be conducted to instill diversity and cultural responsiveness in project services.
- When completing the budget, identify by title and number all staff to be assigned to this project. State whether they will be paid with requested project funds and briefly indicate their responsibilities.

## **F. Organization**

- Describe the past accomplishments, special characteristics and resources of your organization that are predictive of your success in achieving the stated performance objectives.
- Describe how the management of your agency supports the proposal for this program.
- Identify the key people in the organization who are primarily responsible for delivering the program and reaching the performance objectives. Please describe them in terms of capacity including knowledge, skills, expertise, professional credentials, and commitment.
- Describe the history of your organization, experience working with the target population, and provide evidence that it has the capacity and any required licenses to successfully manage the project. Indicate steps that will be taken to demonstrate readiness to implement the program on a timely basis.
- Provide evidence of the organization's ability to hire and maintain staff.
- Describe what activities the organization has initiated to accommodate cultural and linguistic requirements of the community, and how the organization will promote effective coordination with other key partners and service providers in the community to maintain this program. Include any affiliations with other community groups.
- Specify if you require key partners as part of the proposal and provide a copy of any Memorandum of Understanding you have entered into with a partner organization/s as part of the application.
- Provide an organizational chart that shows how this program fits into the organization's goals and mission. **Please update this document in Grants Gateway Document Vault.**

### **5.2 Proposed Budget (AMENDED 3/7/2018)**

In order to complete the Budget in the GGS, you must do the following:

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

Follow these instructions carefully as you complete the budget. Use the following directions to briefly describe the expenses included in each budget category. The

detail requested is essential to expedite the contract process. Accuracy and completeness are critical.

Ensure that:

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

### Non-Allowable Costs

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

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

## **A. Personal Services**

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

#### Services (Salaries):

- List only staff positions included in the funded project.
- List the percentage of time each staff member will spend on this project.
- The percentage of time an employee is engaged in this project (or projects) cannot exceed 100 percent.

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

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

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

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

Fringe Benefits Narrative:

- List the fringe benefit rate(s) and the positions to which the rate(s) apply.
- Provide a complete list of benefits used to calculate rate(s) (e.g., Social Security-FICA, NYS Unemployment Insurance-SUI; NYS Disability Insurance and Worker's Compensation). These can be listed on the extra lines under "Personal Services." Be sure to clearly identify "Fringe."

## **B. Non-Personal Services (NPS)**

### Use of MWBEs for Discretionary Purchases

~~Contractors are required to spend thirty percent of their discretionary budget through a NYS certified Minority or Women-Owned Business Enterprise (MWBE) in compliance with Article 15-A of the NYS Executive Law. As your organization develops its NPS budget for this contract, you must identify the discretionary~~

~~purchases that are subject to the MWBE goal (See section 7.10 for more information.) The following NPS budget categories are subject to the MWBE goal:~~

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

- ~~Use the DISCRETIONARY BUDGET NARRATIVE WORKSHEET of Attachment B—*Budget Summary* to specify the portion of your NPS budget subject to the MWBE spending goal. Provide an explanation for all items excluded from the MWBE spending goal.~~
- ~~Calculate the amount of the MWBE participation goal to be met based on this total discretionary NPS;~~

### NPS Budget Categories

All budget items must be for commodities to be purchased during the contract period that in direct support of services related to the project; or for contractual/consultant services to be rendered during the contract period that directly support the project.

#### **1. Contractual/Consultant Services**

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

- Specify the services to be provided and indicate how the cost was determined.

- Delineate between administrative and program cost.
- If an award is made, the contractor must get prior written approval from OCFS for any agreement, or series of agreements, with a single subcontractor that exceeds \$50,000 or 50 percent of the total contract value during the contract term. The contractor must receive such approval prior to executing the subcontract agreement, implementing any activity under its term or expending contract funds under its term. Prior approval is also required for any cost or term amendment to approved subcontracts or as otherwise requested by OCFS. All subcontract agreements, regardless of dollar value, must be submitted to OCFS prior to claim for services being submitted.
- For office or other program space rental or lease include copy of rental or lease agreement and method of cost allocation of space.
- For equipment rentals:
  - Clearly describe item(s).
  - Include model # and specifications if possible.
  - Indicate term and rate of rental.
  - Provide a justification for the rental of all equipment by giving a brief description of the program related need supported by grant funds.
- Vehicle lease for participant travel, when such travel has been approved by OCFS, must be programmatically justified. A copy of the lease agreement must be provided to OCFS prior to claim payment.
  - Explain the purpose of the travel.
  - Number of participants.
  - Estimated miles.
  - Frequency of travel (e.g., per day, per week).
  - Be as clear as possible in explanation of need and cost.
  - Show the percentage of time the vehicle will be used by the project and only include requested funds for this percentage.
- If a subcontractor or consultant expense is more than \$15,000, three written bids are required. If you are unable to obtain three written bids, a justification as to price reasonableness is required. If other than the lowest bidder was selected, please provide justification.
- If the consultant/contractor is reimbursed at an hourly rate, the hourly rate and the number of hours must be calculated accurately and be included in the budget narrative.
- Indicate whether consultant's rate includes travel and lodging.
 

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

## 2. Travel

- Travel costs include the following: air, train, bus and taxi fare; personal auto, parking fees, tolls, lodging and meals. Conference fees or outside training costs for staff to attend that are integral and essential part of this

particular program and necessary in connection with the project to be funded.

- Explain which staff will be traveling and the destination, purpose, and frequency of travel.
- For local/day travel and extended travel, list the following for each trip: destination, length of stay, purpose, number of travelers, mode of transportation and its cost, meals and lodging costs.
- Includes staff travel only.
  - \_ Consultant travel should be shown under the “Contractual/Consultant Services” category.
  - \_ Client travel should be shown under the “Other Expenses” category.
- Reimbursement for travel, lodging, and mileage costs will not exceed the state rates then in effect.

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

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

### 3. Equipment

This section is used to itemize the purchase of equipment.

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

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

#### **4. Supplies**

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

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

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

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

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

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

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

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

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

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

##### **c. Operating Expenses**

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

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

**d. Printing Services**

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

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

**e. Miscellaneous Expenses**

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

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

**f. Administrative Expense**

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

A. For Federally Funded Awards

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

- OCFS will reimburse the federally approved indirect cost rate for federally funded contracts up to any statutory caps required by the funding streams and in accordance with the terms and conditions of the federal award. A copy of the federally approved indirect cost agreement, with narrative, addendum, and an expiration date must be submitted as part of the proposal.
- If your agency does not have a federally approved indirect cost agreement, and your agency is a non-Federal entity that has never received a negotiated indirect cost rate, except for a governmental department or agency unit that receives more than \$35 million in direct Federal funding, you may elect to charge a de minimis rate of 10 percent of modified total direct costs (MTDC) or you may elect to follow the rules for State Funded Awards in B. below. Please see federal regulations at 2 CFR 200.414(f) for the applicable legal requirements for this option.
- MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward. MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000.
- Use of a federally approved indirect cost rate, or the de minimis rate, as described above, if applicable, must be in accordance with all applicable federal rules to include 2 CFR Part 200.
- ✦ Total administrative costs as defined by federal child care regulations, may not exceed 5% of the total grant award. Outreach, training and education, and eligibility determination are NOT considered administrative costs

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

#### B. For State-Funded Awards (Not Applicable)

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

- Total administrative expenses are limited to 15 percent of the grant award, less expenses for equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subcontract in excess of \$25,000. Outreach, training and education, and eligibility determination are NOT considered administrative costs
- Administrative expenses include, but are not limited to:

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

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

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

~~On this worksheet (Attachment B — Budget Summary) you record the total amount of your discretionary budget that will be spent through a NYS certified Minority or Women-Owned Business Enterprise (MWBE). The total budget amount for budget categories that are considered discretionary are recorded on in the “Total OCFS Funds” column of this worksheet as you complete the other parts of the budget.~~

- ~~• In the right hand column, enter the “Total Discretionary Funds” that are subject to the MWBE spending goal.~~
- ~~• For any category where the “Total Discretionary Funds” is less than the “Total OCFS Funds,” provide an explanation in the appropriate category of the amount excluded and why it is non-discretionary.~~

- ~~The amount that you must spend with an MWBE will automatically be calculated.~~

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

### 5.3 Key Concepts

Milestones and Performance Standards: Milestones and Performance Standards are the quantifiable and verifiable indicators of program performance. They contribute to the attainment of the desired outcomes as described in this RFP. These measurable and verifiable activities are used to achieve an acceptable level of child care services provided to children and families during the contract term.

### 5.4 Proposal Content

Your proposal will consist of responses to the following questions in the GGS.

#### Administrative Questions

No.	Question	Max. Points
1.	Do you meet the Minimum Qualifications to submit a proposal and did you upload a letter of commitment from each LDSS of each county within each region for which you are proposing to serve? (See <b>Section 3.1 Minimum Qualifications</b> )	N/A
2.	Are you prequalified in Grants Gateway? (See <b>Section 3.2 Prequalification Process.</b> )	N/A
3.	Have you completed the Vendor Responsibility Questionnaire and has it been recently certified? Have you submitted the confirmation of completion form or hardcopy questionnaire by going to the “Pre-Submission Upload” section in GGS? (See <b>Section 3.3 Vendor Responsibility Requirements.</b> )	N/A
4.	Have you completed and submitted all of the forms required in <b>Section 1.6 Submission of Proposals</b> by uploading into the “Pre-Submission Uploads” section in GGS?	N/A
5.	Provide the name, title, address, phone number and email of the executive director of your organization who should receive notification of award/non-award.	N/A

6.	Provide the name, title, address, phone number and email of any other individual in your organization who should receive notification of award/non-award.	N/A
7.	Is your Charities Registration current?	N/A
8.	Did you upload all required attachments such as letters of support or other agreements?	N/A

### Work Plan Questions

No.	Question	Max. Points
9	Describe a clear set of strategies on how your organization will provide the full complement of the required regional I/T services for each county within the region it proposes to serve. The plan must meet the program design and adhere to the requirements outlined in this RFP. If you exceed the 4000-character limit in GGS, please clearly label each question and upload to the <b>Program Specific Questions Section</b> of your application.	20
10	Complete Attachment 3, <i>Infant/Toddler Annual Milestones Chart for Region</i> , for the region your organization proposes to serve and present an acceptable level of I/T services for the region and upload into the “Pre-Submission Uploads” section in GGS. Please note that OCFS has determined the fixed unit cost rates associated with each of the measurable milestones included in the RFP. Applicants must use the applicable regional fixed unit cost rates in Attachment 1 to complete the form and then enter the milestone levels the organization is proposing for milestones #1-3. Milestone #4 is evaluated below.	20
11	Demonstrate established linkages with the local departments of social services (LDSS) in the proposed counties in each region to be served. This must be documented with a letter of commitment from each LDSS. This letter is required to be included in the application. The provision of child care services is an OCFS priority for families eligible for temporary assistance and low-income subsidies. If you exceed the 4000-character limit in GGS, please clearly label each question and upload to the <b>Program Specific Questions Section</b> of your application.	10

12	Provide a reasonable staffing pattern to accommodate the Regional I/T Services and also describe the staff qualifications required of staff to implement this program. If you exceed the 4000-character limit in GGS, please clearly label each question and upload to the <b>Program Specific Questions Section</b> of your application.	10
13	Describe the technological capacity to be able to transmit, receive, and interface data, and enter and maintain required data in OCFS's system-of-record databases. If you exceed the 4000-character limit in GGS, please clearly label each question and upload to the <b>Program Specific Questions Section</b> of your application.	10
14	Present a reasonable timeline indicating the applicant will be prepared to begin services on July 1, 2018. If you exceed the 4000-character limit in GGS, please clearly label each	10
	question and upload to the <b>Program Specific Questions Section</b> of your application.	

### **Budget Questions**

No.	Question	Max. Points
15	<p>Complete Attachment #3, <i>Infant/Toddler Annual Milestones Chart for Region</i> based on the instructions included on the chart. For milestone #4, a quarterly fixed cost rate must be proposed and must be between 10% and 40% of the total funded amount. This will be evaluated as described in section 6.4.</p> <p>In addition, provide a completed budget that demonstrates a clear relationship between funds requested and the program activities and performance targets/outcomes. As defined by federal child care regulations, administrative costs may not exceed 5% of the budget. Outreach, training and education, and eligibility determination are NOT considered administrative costs.</p>	20

### **5.5 Proposal Submittal Process**

#### **How to Submit a Proposal**

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

**Note: Only users logged in with the following roles can submit the application for review: (1) Grantee Contract Signatory; and, (2) Grantee System Administrator.** Proposals must be submitted online via the Grants

**Gateway by the date and time indicated in Section 1.2 Calendar of Events of this RFP.**

Please visit the Grants Reform website at the following web address:

<http://grantsreform.ny.gov/grantees> and select “Quick Start Guide: Applications” from the Grants Gateway menu for information on the process.

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

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

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

Please note:

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

#### Helpful Links

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

- Grants Reform Videos (includes a document vault tutorial and an application tutorial) are available on YouTube:  
<http://www.youtube.com/channel/UCYnWskVc7B3ajjOVfOHL6UA>
- [OCFS Help Desk: 518-474-5595](tel:518-474-5595)
- Grants Team email: [Grantsreform@budget.ny.gov](mailto:Grantsreform@budget.ny.gov)  
(Proposal completion, policy, and registration questions)
- [www.grantsgateway.ny.gov](http://www.grantsgateway.ny.gov)

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

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

Bidders must meet the Minimum Qualifications to submit a Proposal in accordance with **Section 3.0 Minimum Qualifications** and **Section 3.1 Prequalification Process**. Bidders not meeting these requirements will be disqualified from further consideration.

## **6.2 Evaluation Process**

OCFS will evaluate each proposal meeting the requirements in section 6.1 above using the criteria in **Section 5.4 Proposal Content Proposals** will be reviewed and scored by a trained review team using a pre-approved scoring instrument. The cost score will be combined with the technical score to determine the overall score of the proposal (out of 100 points). Applications that receive a minimum score of seventy-five points or more will be considered for funding.

Any proposal that achieved a minimum passing score of 75 or more but is not selected to receive an award through this RFP will be designated as “approved but not funded” (ANF). Should additional funding become available to support CCR&R programs, additional awards will be made to fund these ANF proposals in accordance with the purpose and funding availability described in section 2.3 of the RFP.

Recommendations will be based on highest scoring applications. In the event of a tie between two or more proposals, a third reviewer will review and rate the proposals. The final score will be based on the average of the three reviewer scores.

OCFS will award one contract per region for a total of seven contracts.

## **6.3 Technical Evaluation**

The Technical Proposal Content/Work Plan is worth a total of 80 points of a proposal’s score and will be evaluated consistent with section 6.2.

## **6.4 Cost Evaluation**

Proposal budgets must demonstrate a clear relationship between funds requested and the program activities and objectives. The proposal budget must include sufficient funds to operate the program successfully.

The Cost Proposal (20 points) will be evaluated based upon the “average unit cost” of the rate provided for milestone #4 based upon the requirements in **Section 5.4 Budget Question**. Milestones #1 through #3 will not be evaluated as these unit costs are fixed by OCFS. The lowest “average unit cost” will receive the highest point award (20 points) and the remainder of the proposals receiving a proportion thereof based on the following formula:

(Lowest “average unit cost” / “average unit cost” of the proposal being evaluated) multiplied by 20

Average Unit Cost for Milestone #4 will be calculated as follows:

Rate for Milestone #4 / (the sum of the units proposed for Milestones #1 through #3).

**To illustrate how this scoring methodology will be applied the following example is provided.**

**Vendor A** submits a proposal for a region with the following units:

Milestone #1                      40

Milestone #2	20
Milestone #3	10

For Milestone #4 Vendor A proposes a quarterly rate of \$10,000

Sum of units for Milestones #1 to #3 equals 70 units.

*Average unit cost* of Milestone #4 will be \$10,000 / 70 units which equals \$142.85

**Vendor B** submits a proposal for a region with the following units:

Milestone #1	50
Milestone #2	35
Milestone #3	20

For Milestone #4 Vendor B proposes a quarterly rate of \$9,000

Sum of units for Milestones #1 to #3 equals 105 units

*Average unit cost* of Milestone #4 will be \$9,000 / 105 units which equals \$85.71.

Scoring for these two proposals will be as follows:

**Vendor B** has the lowest average unit cost and will receive the full 20 points based on the following calculation:

$$(85.71 / 85.71) * 20 = 20$$

**Vendor A** would receive 12 points based on the following calculation:

$$(85.71 / 142.85) * 20 = 12$$

These scores and examples are used for illustrative purposes only. The actual scores will be derived from the submitted proposal and scored, relative to one another, per the formulas provided.

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

### **A. Applicability**

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

### **B. Definitions**

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

### **C. Debriefing Request**

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

1. OCFS will provide notice in writing or electronically to all unsuccessful offerers that the offerer will not receive a funded award under the RFP. An unsuccessful offerer wanting a debriefing must request a debriefing in writing, within fifteen calendar days of receipt of the notice from OCFS that the offerer's proposal did not result in an award.
2. OCFS, upon receipt of a timely written request from the unsuccessful offerer, will schedule the debriefing to occur within a reasonable period of time following the receipt of such request. Debriefings will be conducted in-person, unless OCFS and the offerer mutually agree to utilize other means, including, but not limited to, telephone, videoconferencing, or other types of electronic communications.
3. Such debriefing will include: (a) the reasons that the proposal, bid or offer submitted by the unsuccessful offerer was not selected for an award; (b) the qualitative and quantitative analysis employed by OCFS

in assessing the relative merits of the proposals, bids or offers; (c) the application of the selection criteria to the unsuccessful offerer's proposal; and (d) when the debriefing is held after the final award, the reasons for the selection of the winning proposal, bid or offer. The debriefing will also provide, to the extent practicable, general advice and guidance to the unsuccessful offerer concerning potential ways that their future proposals, bids or offers could be more responsive.

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

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

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

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

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

1. Formal protests must be filed with the OCFS associate commissioner for financial management. Any protests filed with the OCFS program division responsible for the procurement will be forwarded to the associate commissioner for financial management. Copies of all formal protests will be provided by the associate commissioner for financial management to the OCFS Division of Legal Affairs and other necessary parties within OCFS, as determined by the associate commissioner for financial management.
2. Formal protests shall be resolved through written correspondence; however, either the protesting party or OCFS may request a meeting to discuss a formal protest. Where further formal resolution is required, the program division responsible for the procurement may designate a state employee not involved in the procurement ("designee") to determine and undertake the initial attempted resolution or settlement of any formal protest.
3. The OCFS program division responsible for the procurement will conduct a review of the records involved in the formal protest, and provide a memorandum to the associate commissioner for financial management or the associate commissioner's designee summarizing the facts, an analysis of the substance of the protest,

and a preliminary recommendation including: (a) an evaluation of the findings and recommendations, (b) the materials presented by the protesting party and/or any materials required of or submitted by other bidders, (c) the results of any consultation with the OCFS Division of Legal Affairs, and (d) a draft response to the formal protest.

4. The OCFS associate commissioner for financial management or his or her designee shall hear and make a formal protest determination on all formal protests. A copy of the formal protest determination, stating the reason(s) upon which it is based and informing the protesting party of the right to appeal an unfavorable decision to the OCFS executive deputy commissioner, shall be sent to the protesting party or its agent within thirty (30) business days of receipt of the formal protest, except that upon notice to the protesting party such period may be extended by OCFS. The formal protest determination will be recorded and included in the procurement record, or otherwise forwarded to OSC.

#### C. Appeal of Formal Protest Determination

1. If the protesting party is not satisfied with the formal protest determination, the protesting party **must** submit a written notice of appeal to the executive deputy commissioner of OCFS no more than fifteen (15) business days after the date the formal protest determination is sent to the protesting party.
2. The executive deputy commissioner or his or her designee shall hear and make a decision after appeal on all appeals.
3. An appeal may not introduce new facts unless responding to facts or issues unknown to the protesting party prior to the formal protest determination.

#### D. Reservation of Rights and Responsibilities of OCFS

1. OCFS reserves the right to waive or extend the time requirements for protest submissions, decisions and appeals herein prescribed when, in its sole judgment, circumstances so warrant to serve the best interests of the state.
2. If OCFS determines that there are compelling circumstances, including the need to proceed immediately with contract award and development of final contracts in the best interests of the state, then these protest procedures may be suspended and such determination shall be documented in the procurement record.
3. OCFS will consider all information relevant to the protest, and may, at its discretion, suspend, modify, or cancel the protested procurement action, including solicitation of bids, or withdraw the

recommendation of contract award prior to issuance of a formal protest decision.

4. Unless a determination is made to suspend, modify or cancel the protested procurement action, or withdraw the recommendation of contract award, OCFS will continue procurement and contract award activity prior to the formal protest determination. The receipt of a formal protest will not otherwise stop action on the procurement and award of the contract(s) or on development of final contracts.
  - a. The procurement record and awarded contract(s) will be forwarded to OSC, and a notice of the receipt of a formal protest and any appeal will be included in the procurement record. If a formal protest determination, or a decision after appeal, has been reached prior to transmittal of the procurement record and the contract(s) to OSC, a copy of the formal protest determination or decision after appeal will be included in the procurement record and with the contract(s).
  - b. If a formal protest determination or decision after appeal is made after the transmittal of the procurement record and contract(s) to OSC, but prior to OSC approval, a copy of the formal protest determination or decision after appeal will be forwarded to OSC when issued, along with a letter either: a) confirming the original OCFS recommendation for award(s); b) modifying the proposed award recommendation; or c) withdrawing the original award recommendation.

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

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

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

## **7.0 MANDATORY CONTRACTING REQUIREMENTS**

## **7.1 Contract Readiness**

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

## **7.2 Standard Contract Language**

The terms and conditions for all funded projects are specified in a detailed contract that must be signed by OCFS and approved by the New York State Office of the Attorney General (OAG) and OSC before work begins or payments are made. This RFP includes all relevant contract terms and conditions, which can be found in **Section 8 Contract Documents**. Upon contract award and completion of negotiations, OCFS will send successful awardees the complete contract for development and signature prior to submitting it to the OAG and to OSC for approval.

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

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

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

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

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

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

- **Form C-105.2** - *Certificate of Workers' Compensation Insurance* issued by private insurance carriers, or **Form U-26.3** issued by the State Insurance Fund ; or

- **Form SI-12** - *Certificate of Workers' Compensation Self-Insurance*; or **Form GSI-105.2** *Certificate of Participation in Workers' Compensation Group Self-Insurance*; or
- **CE-200** - *Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage*.

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

To comply with coverage provisions of the WCL regarding disability benefits, the Workers' Compensation Board requires that a business seeking to enter into a state contract, or contract renewal, submit appropriate proof of coverage to the state contracting entity issuing the contract. To prove the awardee has appropriate disability benefits insurance coverage, submit ONE of these three forms: <http://www.wcb.ny.gov/content/main/forms/AllForms.jsp>

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

## **7.4 Contractor Employee and Volunteer Background/Confidentiality Non-Disclosure Agreement Forms (if applicable)**

OCFS is responsible for maintaining the safety of the youth in its care. New York State law requires that any client identifiable information be kept confidential. Any contractor who will provide goods and/or services to a residential facility or programs operated by OCFS must require all of its employees and volunteers who will have the potential for regular and substantial contact with youth in the care or custody of the commissioner of OCFS to complete and sign the [Confidentiality Non-Disclosure Agreement \(OCFS-4715\)](#) and [Contractor Employee and Volunteer Background Certification \(OCFS-4716\)](#) forms. These forms must be completed before any such employees and/or volunteers are permitted access to youth in the care or custody of OCFS, and/or any financial and/or client identifiable information concerning such youth. **The forms should be completed after the bidder has been awarded funding, during the contract development, and only if applicable.** For additional information see Attachment A-1, section 3b. "[Confidentiality and Protection of Human Subjects](#)", located in **Section 8.0 Contract Documents** – Attachment A-1, Agency Specific Terms and Conditions.

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

Not-for-profit vendors must be registered with the New York State Office of the Attorney General as a charitable organization, and the registration must be up to date at the time of contracting. Vendors must be sure all their documents are up-to-date and comply with the vendor responsibility requirements as outlined below. To determine the status of your charities registration information, contact: [https://www.charitiesnys.com/RegistrySearch/search\\_charities.jsp](https://www.charitiesnys.com/RegistrySearch/search_charities.jsp)

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

See Attachment A-2, *Federally Funded Grants*, located in **Section 8 Contract Documents** for federally funded opportunities.

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

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

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

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

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

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

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

## **7.8 Iran Divestment Act**

By submitting a bid in response to this solicitation or by assuming the responsibility of a contract awarded hereunder, bidder/contractor (or any assignee) certifies that it is not on the Prohibited Entities List, as defined by the *Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012* (the Act), which is posted on the OGS website at <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such contract any subcontractor that is identified on the "Prohibited Entities List." Bidder/contractor is advised that should it seek to renew or extend a contract awarded in response to the solicitation, it must provide the same certification at the time the contract is renewed or extended.

During the term of the contract, should OCFS receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, OCFS will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased

engagement in the investment activity that is in violation of the Act within 90 days after the determination of such violation, then OCFS shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, terminating the contract and/or declaring the contractor in default.

OCFS reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities List after contract award.

## **7.9 Statewide Financial System**

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

## **7.10 Minority- and Women-Owned Business Enterprises (MWBE) – Equal Employment Opportunity (EEO) - Requirements and Procedures (AMENDED 3/7/2018)**

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

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

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

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

For purposes of this solicitation, OCFS hereby establishes an overall goal of ~~30%~~ **0%** for MWBE participation, ~~15%~~ **0%** for New York State-certified Minority-owned Business Enterprise (“MBE”) participation and ~~15%~~ **0%** for New York State-certified Women owned Business Enterprise (“WBE”) participation (based on the current availability of MBEs and WBEs). A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, the

respondent agrees that OCFS may withhold payment pursuant to any Contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how OCFS will evaluate a Contractor's "good faith efforts," refer to 5 NYCRR § 142.8.

The respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25% of the total value of the contract.

### **7.10.3 Contract Compliance**

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

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

By submitting a bid or proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System ("NYSCS"), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting OCFS.

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

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

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

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

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

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

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

The successful respondent will be required to submit a quarterly M/WBE Contractor Compliance & Payment Report to OCFS, by the 10<sup>th</sup> day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

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

By submission of a bid or proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of Appendix A – Standard Clauses for All New York State Contracts including Clause 12 - Equal Employment Opportunities for Minorities and Women]. The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This

requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The respondent will be required to submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement, OCFS-3460 – Equal Employment Opportunity (EEO) Policy Statement, to OCFS with its bid or proposal.

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

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

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

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

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

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

other supporting roles to the maximum extent practical, and consistent with the legal requirements of the State Finance Law and the Executive Law. Certified SDVOBs may be readily identified through the directory of certified businesses at <https://online.ogs.ny.gov/SDVOB/search>

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>

### **7.12 Omnibus Procurement Act**

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

1. The contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors on this project and has retained the documentation of these efforts to be provided upon request to the State of New York; and has
2. Documented their efforts to encourage the participation of New York state business enterprises as suppliers and subcontractors by showing that they have:
  - solicited bids, in a timely and adequate manner, from ESD business enterprises, including certified minority/women-owned businesses; or
  - contacted ESD to obtain listings of New York State business enterprises and MWBEs; or
  - placed notices for subcontractors and suppliers in newspapers, journals or other trade publications distributed in New York State, or
  - participated in bidder outreach conferences; and
  - provided a statement indicating the method by which they determined that New York State business enterprises are not available to participate on the contract as subcontractors or suppliers, *if the contractor has determined such*; and
  - provided a statement verifying no intention of using subcontractors, *if the contractor has no such intention*.
3. The contractor has complied with the federal Equal Opportunity Act of 1972 (P.L. 92-961), as amended.
4. The contractor will be required to notify New York State residents of employment opportunities by listing any such positions with the Community Services Division of the New York State Department of

Labor, providing for such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The agency agrees to document these efforts and to provide said documentation to OCFS upon request.

5. Bidders located in a foreign country are notified that the state may assign or otherwise transfer offset credits to third parties located in New York State, and the bidders shall be obligated to cooperate with the state in any and all respects in making such assignment or transfer, including, but not limited to, executing any and all documents deemed by the state to be necessary or desirable to effectuate such assignment or transfer and using their best efforts to obtain the recognition and accession to such assignment or transfer by any applicable foreign government.
6. Bidders are hereby notified that state agencies and authorities are prohibited from entering into contracts with businesses whose principle place of business is located in a “discriminatory jurisdiction.” Discriminatory jurisdiction is defined as a state or political subdivision which employs a preference or price distorting mechanism to the detriment of or otherwise discriminates against a New York State business enterprise in the procurement of commodities and services by the same or a nongovernmental entity influenced by the same. A list of discriminatory jurisdictions is maintained by the commissioner of the New York State Empire State Development Corporation.

## **8.0 CONTRACT DOCUMENTS**

The contract documents consist of the documents listed below.

1. Face Page
2. Signatory Page
3. NYS Standard Terms and Conditions (State of New York Master Contract for Grants)
4. Attachment A-1 (Agency-Specific Terms and Conditions)
5. Attachment A-2 (Federally Funded Grants)
6. Attachment B: Budget and Instructions
7. Attachment C: Work Plan
8. Attachment D: Payment and Reporting Schedule

NYS Standard Terms and Conditions (State of New York Master Contract for Grants) is located in the **NYS Grants Gateway System (GGS)** at the following link: [http://www.grantsreform.ny.gov/sites/default/files/docs/nys\\_master\\_contract\\_for\\_grants\\_8\\_14.pdf](http://www.grantsreform.ny.gov/sites/default/files/docs/nys_master_contract_for_grants_8_14.pdf)

## **9.0 GLOSSARY OF OUTCOME-BASED CONTRACTING TERMS**

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

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

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

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

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

**Baseline Estimate:** The projected status of the target population without the proposed intervention. A baseline is the best estimate, using prior program experience, collected data, and/or research results, of what would happen to the target population without the program's intervention and its benefits. Projection should be numerical (a number or a percentage). A baseline estimate is required for each performance target.

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

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

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

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

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

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

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

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

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

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

**Vision:** OCFS's vision is to strengthen an efficient and quality child care system for New York's children and families.

**10.0 PROGRAM-SPECIFIC REQUIREMENTS AND FORMS (Amended 2/16/2018. Note, this form cannot be updated in the Grants Gateway, so please go to the OCFS Website at <https://ocfs.ny.gov/main/bcm/rfp.asp> to get the updated Attachment #1)**

**Attachments:**

~~Attachment #1 – Regional Fixed Unit Cost per Infant/Toddler Milestone Rates~~

Attachment #1 - Regional Fixed Unit Cost per Infant/Toddler Milestone Rates (Amended 2/16/2018)

Attachment #2 - Regional Infant/Toddler Services Funding Allocations

Attachment #3 – Infant/Toddler Annual Milestones Chart for Region