



**Office of Children
and Family Services**

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**New York State
Office of Children and Family Services
Bureau of Training and Development**

Non-Grant Procurement

REQUEST FOR PROPOSALS

RFP # 1055

**Crisis Intervention, De-escalation, and Restraint Training for
Residential Child Care Providers**

Issued: 5/10/2021

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1.0 GENERAL INFORMATION/CALENDAR OF EVENTS

The New York State Office of Children and Family Services (OCFS) has released this Request for Proposals (RFP) to solicit competitive proposals for Crisis Intervention, De-escalation, and Restraint Training for Residential Child Care Providers. The safety and well-being of children placed in residential settings is a priority for OCFS. This training includes several components that together support congregate care agencies' and OCFS' ability to provide safe, stable and therapeutic environments for children and youth.

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

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

If the offerer discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the offerer shall immediately notify the New York State Office of Children and Family Services (OCFS) (see **Section 1.1 Procurement Integrity/Restrictions on Communications**) of such error in writing and request clarification or modification of the document.

If, before the deadline for submission of written questions, an offerer fails to notify OCFS of a known error in or omission from the Request for Proposal (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 Integrity/Restrictions on Communication

This procurement is subject to, and shall be conducted in accordance with, the New York State Finance Law, including but not limited to Article IX. Contracts §§ 139-j. and 139-k.

Please be advised that state law prohibits any vendor from exerting or attempting to exert any improper influence relating to its proposal. "Improper influence" means any attempt to achieve preferential, unequal, or favored consideration of a proposal based on considerations other than the merits of the proposal, including but not limited to any conduct prohibited by the Ethics in Government Act, as set forth in Public Officers Law §§ 73 and 74.

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

Director of Contracts
Questions for RFP # 1055 Crisis Intervention Training
NYS Office of Children and Family Services
52 Washington Street

Room 202S – Procurement Unit
 Rensselaer, NY 12144

“Restricted period” means the period of time commencing with the earliest posting, of written notice, advertisement, or solicitation, including but not limited to a governmental entity’s website, in a newspaper of general circulation, or in The New York State Contract Reporter (Contract Reporter), of an RFP intending to result in a procurement contract with OCFS and ending with the final contract award by OCFS or, where applicable, final contract approval by the New York State Office of the State Comptroller (OSC), Bureau of Contracts.

During the “restricted period,” as defined above, no offerer-initiated contact with any OCFS official shall be permitted regarding this procurement, except as provided herein. This prohibition applies to any oral, written, or electronic communication under circumstances where a reasonable person would infer that the communication was intended to influence this procurement. Violation of any of the requirements described in this **Section 1.1 Procurement Integrity/Restrictions on Communications** may be grounds for a determination that the offerer is non-responsible and, therefore, ineligible for this contract award. Two violations within four years of the rules against impermissible contacts during the “restricted period” may result in the violator being debarred from participating in an OSC procurement for a period of four years.

1.2 Calendar of Events

RFP # 1055 Crisis Intervention, De-escalation, and Restraint Training for Residential Child Care Providers	
EVENT	DATE
RFP issued	5/10/2021
Deadline for submission of written questions See Section 1.4 for more information	5/24/2021 by 5:00 p.m. Eastern time
Responses to written questions posted (<i>on or about</i>) See Section 1.4 for more information	6/4/2021
Deadline for submission of proposals	6/18/2021 by 4:00 p.m. Eastern time
Interviews/Site visits (<i>optional</i>) (not earlier than the week of)	6/28/2021
Anticipated notification of award (not earlier than)	7/16/2021
Anticipated contract start date (not earlier than)	1/1/2022

1.3 Informational Meeting/Bidder’s Conference

Not Applicable.

1.4 Submission of Written Questions

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

1.5 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 before 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 before 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) before 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, regarding applicants' experience or other matters deemed relevant to the proposal by OCFS. By submitting a proposal in response to this RFP, the applicant gives its consent to any inquiry made by OCFS;
26. require contractors to participate in a formal evaluation of the program to be developed by OCFS. Contractors may be required to collect data for these purposes. The evaluation design will maintain confidentiality of participants and recognize practical constraints of collecting this kind of information;
27. consider statewide distribution and regional distribution within New York City, including borough distribution methodology, in evaluating proposals;
28. rescind awards for failure of awardees to meet 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;
30. make adjustments to the funding amount requested based on program need and based on the total dollar value of the applications submitted; and
31. reject any extraneous terms, alternate activities/work to be performed, added conditions, or exceptions stated by applicants within their proposals. This includes, but is not limited to, proposed changes to the standard terms and conditions of the resulting contract(s).

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

2.0 EXECUTIVE OVERVIEW

2.1 Purpose and Procurement Objectives

The New York State Office of Children and Family Services (OCFS) seeks proposals for Crisis Intervention, De-escalation and Restraint Training for Residential Child Care Providers. Restraint Training is mandated for residential child care workers under [18 NYCRR 441.17](#) to enable them to create a safe environment for the children and youth in care. To meet the mandate, OCFS provides a train-the-trainer program for residential childcare provider trainers. Bidders should present a proposal for a trauma-informed program that incorporates methods for crisis prevention and intervention with a focus on preventing crises, de-escalation techniques, and restraint methods that strive to prevent or reduce injury to children and staff.

Funding for the training services resulting from this procurement is supported in part by funding from [Title IV-E of the Federal Social Security Act](#). The vendor must adhere to all applicable rules and guidelines regarding administrative activities and DAB 1666 reporting requirements found [here](#). Each funding source has its own set of rules and procedures. Each vendor is responsible for being knowledgeable concerning the applicable federal and State requirements and procedures.

2.2 Background

The New York State Office of Children and Family Services (OCFS) serves New York's public by promoting the safety, permanency and well-being of our children, families, and communities. We achieve results by setting and enforcing policies, building partnerships, providing funding and quality services.

OCFS is dedicated to improving the integration of services of New York's children, youth, families, and vulnerable populations; to promoting their development; and to protecting them from violence, neglect, abuse, and abandonment. The agency provides a system of family support, juvenile justice, childcare and child welfare services that promote the safety and well-being of children and adults.

The OCFS Bureau of Training and Development (BTD) is responsible for the training and development of all employees of the OCFS, fifty-eight (58) local social services districts, child welfare community-based agencies, and the childcare provider community. Training for state staff includes training for OCFS Juvenile Justice facility staff, as well as management and supervisory training, computer training, and employee development.

BTD is responsible for providing training and training support for all local social services districts, in all the child and family services programs administered by OCFS. These programs include child welfare preventive services, child protective services, foster care and adoption services, childcare provider training, and adult protective services. In addition, BTD provides training to regulated and OCFS-licensed childcare providers, staff of residential childcare agencies, and foster and adoptive parents.

2.3 Term of Contract

The contract awarded in response to this RFP will be for one (1) year with the possibility of up to four (4) one-year renewals, for a potential of five (5) years. The anticipated start date is January 1, 2022, and the anticipated end date is December 31, 2026. Contractors may not begin to provide services before the contract start date; OCFS has no obligation to pay for services rendered before that time. Payments cannot be made before the formal execution of a contract.

3.0 MINIMUM QUALIFICATIONS TO PROPOSE

3.1 Minimum Qualifications

The minimum qualifications required to submit a proposal are as follows:

- Bidders must provide proof of at least five (5) years of experience within the last eight (8) years in the provision of Crisis Intervention, De-escalation, and Restraint Training for Residential Child Care Providers. At least one (1) year using the curriculum being proposed by the vendor. Each year of training experience should include at least eight (8) offerings of live training sessions with a minimum of ten (10) attendees in each session. **Please clearly describe the training provided and indicate the relevant dates when demonstrating your experience.**
- Bidders must supply contact information for at least five (5) not-for-profit and/or government customers and include a detailed description of the services provided for each by completing **Attachment 4 – References**. Bidders should provide the name, address, phone/fax numbers, email address, and website (if applicable) for each identified contact.
- Bidders must submit a copy of the training curriculum and associated training materials proposed by their organization. The submitted curriculum and materials must include a facilitator’s guide, trainee guide/handouts, PowerPoint, pre/post-test, and any other evaluative materials.
- Bidders must agree that they have read and agree to the terms of **Attachment 3 – OCFS BTD Copyright Policy** as evidenced by their responses on the **Attachment 1 – Proposers Certified Statements**, which must be completed and included in your proposal.
- Bidders must agree that they have read and agree to the terms of BTB’s [Operations Manual for Training Vendors \(OMTV\)](#), which sets forth policies and procedures for doing business with OCFS BTB, as evidenced by their responses on the **Attachment 1 – Proposers Certified Statements**, which must be completed and included in your proposal.

3.2 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 before awarding that bidder a state contract. Vendor responsibility will be determined based on the information provided by the bidder, online, 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 the determination can be revisited at any point up to the final approval of the contract by the New York State Office of the State Comptroller (OSC). Vendors must maintain their vendor responsibility throughout the duration of the contract.

Enrolling and completing the questionnaire online through the New York State VendRep System is the best method because both the questionnaire and answers are stored in the system. Thus, subsequent questionnaires in response to contracts or RFPs 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 [Online Questionnaire](#). Questionnaires in the VendRep System that have been completed in the last six months in response to contracts or bid announcements do not need to be updated. If the vendor is using the hard copy notarized questionnaire, then it also must 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.

Before 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 a Vendor Identification Number or for direct VendRep System user assistance, contact the OSC Help Desk at 866-370-4672 or 518-408-4672 or by email at 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 reenter 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 Online 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 hard copy 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 include it with your proposal.

4.0 SCOPE OF WORK

Deliverable #1: Crisis Intervention, De-escalation, and Restraint Curriculum and Materials

Purpose: The successful bidder will submit curriculum and training materials for their proposed model of behavior support, crisis intervention, and de-escalation and restraint skills. This curriculum will be provided to agency trainers to support continuous skills development for residential care staff. The model will be referred to as Crisis Intervention, De-escalation, and Restraint model for the rest of the document.

Type of Training: Curriculum

Description: The curriculum submitted shall cover an up to five-day "train-the-trainer" program that will provide initial certification in this curriculum to residential child care provider trainers and an up to two-day annual update program that will maintain the certification of previously certified trainers. The participants of this training will be certified by the vendor to provide this training to other staff members at the agency where they are a trainer. Certification by means of passing a knowledge-based test as well as a demonstration of physical skills competency. Topics to be covered in the approved curriculum must include preventing crises and escalation, de-escalation techniques, behavior modification, and proper and safe restraint methods, including supine techniques, and the training techniques to be utilized. The training of escort techniques and standing restraint techniques are strongly encouraged to be included as topics in the curriculum. Curriculum must demonstrate a blended learning approach (e.g., classroom, virtual synchronous and asynchronous). The curriculum must have been developed utilizing adult learning theory. For further information on

curriculum requirements, reference [Section 16. Deliverables-Creation of Training Products of the OMTV](#).

Deliverable #2: Crisis Intervention, De-escalation and Restraint Train-the-Trainer

Purpose: The successful bidder will utilize a train-the-trainer model to provide residential child care agencies with a continuous pool of certified trainers who are able to train staff in current practice with regard to behavior support, crisis prevention, and de-escalation and intervention skills in order to provide continuous skills development for line staff.

Type of Training: Classroom/Virtual Classroom

Description: The vendor will provide a minimum of ten (10) deliveries of the curriculum provided in Deliverable #1. This course will teach selected staff from residential childcare providers to train all agency staff on an ongoing in-service basis. Participants will learn the knowledge, skills, and attitudes required to work effectively, in a positive therapeutic manner, with children in institutional settings. The approved curriculum will be delivered to the selected trainees. In addition, the trainees will receive a student workbook and other necessary materials during the training.

This training will lead to certification of agency trainers. The vendor is required to have a process for certifying trainers. This certification will allow the trainer to then provide the training course to the staff at their work location. The vendor is required to maintain a database of certified trainers to assist in sustaining quality assurance measures. The database must indicate whether specific trainees have achieved certification status.

Please Note: All classroom sessions will take place on-site state-wide at residential childcare facilities or other locations approved by OCFS. It is expected that this training also be offered in a blended learning approach (e.g., classroom, virtual synchronous and asynchronous). Initial certification of physical skills must be conducted via classroom training.

Trainee travel is included in this deliverable. The costs associated with trainee travel must follow the guidelines established in OMTV Section 18 Costs Management and Reimbursement. Assume that 10 percent of the attendees will meet the guidelines for overnight stays and 65 percent will meet the guidelines for commuter travel reimbursement.

Deliverable #3: Crisis Intervention, De-escalation and Restraint – Certification Updates

Purpose: This activity will provide additional training to residential childcare provider trainers with current vendor trainer certification in order to maintain such certification. The purpose of this training is to refresh trainer skills in order to maintain fidelity to the

Crisis Intervention, De-escalation and Restraint model and to strengthen their ability to transfer those skills to line staff.

Type of Training: Classroom/Virtual Classroom

Description: The vendor will offer a minimum of twenty (20) deliveries of an up to two-day update for currently certified trainers so that they have access to the revised materials and an opportunity to practice new activities. The length of the updates is based on the individual topics. The curriculum is identified in Deliverable #1 above. In the year of a new release, two-day updates are currently required. Completion of this course will meet the recertification requirement. Recertification must be completed on an annual basis.

Please Note: All classroom sessions will take place on-site at residential childcare facilities or other locations approved by OCFS. It is expected that this training also be offered in a blended learning approach (e.g., classroom, virtual synchronous and asynchronous). Initial certification of physical skills must be conducted via classroom training.

Deliverable #4: Special Topics

Purpose: This activity will respond to the emerging needs of trainers who participated in the train-the-trainer program.

Type of Training: Classroom/Virtual Classroom

Description: The vendor will deliver five (5) one-day sessions of training on special topics related to the skills and knowledge in the Crisis Intervention, De-escalation, and Restraint program. Potential topics will be determined in consultation with OCFS.

Please Note: All classroom sessions will take place on-site at residential childcare facilities or other locations approved by OCFS. It is expected that this training also be offered in a blended learning approach (e.g., classroom, virtual synchronous and asynchronous).

Deliverable #5: Enhancing Skills for Behavior Support

Purpose: The purpose for this deliverable is to strengthen residential childcare practice that will improve the safety and well-being of youth in residential care.

Type of Training: Technical Assistance

Description: The vendor will deliver at minimum ten (10) days of targeted consultation to agencies, as needed, to enable them to integrate the principles and practice of the Crisis Intervention, De-escalation, and Restraint model within their day to day practice. The provider will conduct training needs assessments to identify the skills and knowledge base that needs to be built or strengthened to enable agencies to improve staff performance. Topics and content for technical assistance days will be approved by OCFS.

Please Note: All technical assistance will take place on-site at residential childcare facilities or other locations approved by OCFS.

Deliverable #6: Quality Improvement and Fidelity Assessment

Purpose: Examine the process and effectiveness of the Crisis Intervention, De-escalation, and Restraint model an agency has implemented.

Type of Training: Technical Assistance

Description: The vendor will conduct twelve (12) site visits as requested by the regional offices to assist in assessing the implementation of the Crisis Intervention, De-escalation, and Restraint model and to make recommendations for improving the effectiveness of the model. In addition to assessing model fidelity, observations and recommendations may be made to improve overall programming. The full assessment process is typically inclusive of two days. OCFS staff will be included in the fidelity assessment process. Quality improvement and fidelity assessment process and tools must be approved by BTM prior to being used.

Upon conclusion of the fidelity assessment, the vendor will prepare a report that includes their findings and recommendations. The report shall be submitted to the BTM.

Applicants may subcontract components of the scope of work. For those applicants that propose subcontracting, it is preferable to identify subcontracting agencies during the application process. Applicants that plan to subcontract are expected to state in the application the specific components of the scope of work to be performed through subcontracts. Applicants should note that the lead organization (prime contractor) will have total responsibility for all contract activities, including those performed by subcontractors, and will be the primary contact for OCFS. If requested by OCFS, the contractor agrees not to enter into any subcontracts, or revisions to subcontracts, that are in excess of \$100,000 for the performance of the obligations contained herein until it has received the prior written permission of the state, which shall have the right to review and approve each and every subcontract in excess of \$100,000 before giving written permission to the contractor to enter into the subcontract. All subcontractors must be approved by OCFS.

5.0 PROPOSAL REQUIREMENTS

5.1 General

5.1.1 Incurred Costs

Neither New York State nor OCFS shall be liable for any costs incurred by an offerer in the preparation and production of a proposal. Neither New York State nor OCFS shall be liable for any costs incurred for work performed by the offerer under the contract before the approval of an executed contract or future task order by the New York State Office of the State Comptroller (OSC).

5.1.2 Content of Proposals

To be considered responsive, an offerer must submit complete proposals that are in compliance with all applicable state and federal laws, rules, and regulations and satisfy all of the requirements stated in this RFP. Proposals not conforming to the proposal requirements as specified in this **Section 5.0** may be rejected as nonconforming. The offerer's proposals must include a statement that the proposal will remain valid for a period of 180 days.

5.1.3 Security, Nondisclosure, and Confidentiality Agreement

The content of each bidder's proposal will be held in strict confidence by New York State and OCFS during the bid evaluation process and will not be disclosed except to the evaluation panels, and to the New York State Office of the Attorney General and OSC, as may be necessary, to obtain the approvals of those agencies for the final contract except as required by law. The successful bidder's proposal and a copy of the specifications will be made a part of the contract and hence available for public inspection and disclosure.

Public inspection of a proposal is regulated by the Freedom of Information Law (Article 6 of the New York Public Officer's Law, hereinafter FOIL). Proposals are presumptively available for public inspection. If this would be unacceptable to bidders, they should apply to the New York State Division of Budget (DOB) for trade secret protection for their bid.

Confidential, trade secret or proprietary materials as defined by the laws of the State of New York must be clearly marked and identified as such upon submission by the bidder. Marking the bid as "confidential" or "proprietary" on its face or in the document header or footer shall not be considered to be sufficient without specific justification as to why disclosure of particular information in the bid would cause substantial injury to the competitive position of the bidder.

Bidders/contractors intending to seek an exemption from disclosure of these materials under the FOIL must request the exemption in writing, setting forth the reasons for the claimed exemption. Acceptance of the claimed materials does not constitute a determination on the exemption request, which will be made in accordance with statutory procedures.

The Public Officers' Code of Ethics (Section 74 of the Public Officers Law) sets the standard that no officer or employee of a state agency shall disclose confidential information that he/she acquires during the course of his/her official duties. These standards control the confidentiality of a bidder's proposal unless DOB grants a petition for records access in accordance with FOIL.

Bidders should be advised that the confidentiality of their proposals is founded upon statute, as described above. A nondisclosure agreement, whether prescribed by DOB or the bidder, would not alter the rights and responsibilities of either party under FOIL. Bidders should not include with

their bid a nondisclosure agreement for DOB employees, as it would not alter the provisions of the FOIL or the code of ethics with respect to the disclosure.

The provisions of the FOIL will also govern the confidentiality of any and all products or services supplied by the successful bidder.

5.2 Overview of Submission Requirements

This section identifies the information that all bidders must include in their proposals to the OCFS.

For the purposes of evaluation, each proposal must be submitted in three parts:

- Part I is the Administrative Proposal
- Part II is the Technical Proposal
- Part III is the Cost Proposal

Each part must be complete in and of itself for an independent and concurrent evaluation. Cost information is **not** to be included in the Administrative Proposal or the Technical Proposal. Each part must be **sealed separately**.

The requirements for proposal content and format will be enforced. Failure by an offerer to respond to a requirement stated in this RFP may cause the proposal to be found non-responsive and the proposal disqualified.

All proposals must be submitted in hard copy and on thumb drive with both PDF and Word versions and received by the date and time indicated for Deadline for Submission of Proposals as specified in **Section 1.0** (Calendar of Events). Proposals received after the Deadline for Submission of Proposals may be rejected.

To be considered eligible, the proposer must submit a complete response to this RFP in conformance with the format and content requirements set forth herein. A proposal that does not provide all the information requested may be subject to rejection. The proposal must contain sufficient information to assure the state of its accuracy. No information beyond that specifically requested is required and proposers are requested to keep their submissions to the shortest length consistent with making a complete presentation of qualifications.

All proposals and accompanying documentation submitted in response to this RFP will become the property of the State of New York and will not be returned. The content of each bidder's proposal will be held in strict confidence during the bid evaluation process, and no details of any proposal will be discussed outside the evaluation process. The successful bidder's proposal and the RFP will be made part of the contract. Therefore, only an individual who is authorized to legally bind the offerer may sign the proposal.

5.3 Part I - Administrative Proposal

Each offerer's administrative proposal must include the following documentation:

5.3.1 General Proposal Appearance

A. Binding

The Administrative Proposals must be separately bound and may be submitted together inside a sealed envelope. Each offerer will submit its proposal so that update pages can be easily incorporated into the original proposal. Acceptable methods include, but are not limited to, three-ring binders and binder clips. **Do not use staples or spiral wire binding.**

B. Front Cover

The legal name of the organization and the RFP number must appear on the outside front cover of each copy of the proposal. The original copy should be clearly labeled.

C. Table of Contents

The Administrative Proposal must contain a table of contents. It is through this table of contents that OCFS will evaluate conformance to uniform proposal content and format.

D. Index Tabs

The Administrative Proposal must have all major sections labeled with index tabs or dividers that completely identify the titles of the major sections as they are named in the table of contents. Index tabs are not required between individual forms.

E. Page Numbering

Each page of the Administrative Proposal must be numbered consecutively from the beginning of the respective proposal through all appended material. Consecutive numbering of pages within consecutively number sections of the proposal is an acceptable alternative.

F. Font

Administrative Proposals should utilize 12-point font. Arial, Times New Roman, and Calibri fonts are considered acceptable.

G. Margins

Administrative Proposals should utilize standard one-inch margins. It is permissible to use headers and footers inside the margins.

5.3.2 Proposal Content

The following is a list of required forms and documents that must be included in the Administrative Proposal. Most can be accessed electronically throughout this RFP and via the links below. Those available only in hard copy are identified and attached in this section of the RFP.

The forms in the financial proposal are designed to facilitate proposal evaluation and to standardize responses to this RFP. The offerer must submit them in their proposal to streamline the evaluation process.

The following documents must be provided with bid submission:

- A. [Appendix A-3, Federal Assurances and Certifications](#)
- B. [MacBride Fair Employment Principles Certification Form \(OCFS-2633\)](#)
- C. [Non-Collusive Bidding Certification \(OCFS-2634\)](#) (required by Section 139d of the State Finance Law)
- D. For complete proposal and contract or MOU requirements for the Minority- and Women-Owned Business Enterprises (MWBE) and Equal Employment Opportunity (EEO) requirements, refer to section 7.6. 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 Enterprises \(MWBE\) Equal Employment Opportunity \(EEO\) Policy Statement \(OCFS-3460\)](#)
 - [MWBE Utilization Plan Form \(OCFS-4631\)](#)
- E. [Procurement Lobbying Act – Offerer Certification Form \(OCFS-4822\)](#)
- F. [EO 177 Certification \(OCFS-2647\)](#) (See section 7.23 for more information.)

Please note: The **Attachment 1 – Proposer’s Certified Statements** and **Attachment 4 – References** should be completed and provided in your Proposal Part II – Technical Proposal (see RFP Section 5.4). The **Attachment 2 – Cost Proposal** should be completed and provided in your Proposal Part III – Cost Proposal (see RFP section 5.5).

The following documents should be provided with bid submission:

- A. [State Consultant Services – contractors Planned Employment \(AC-3271-S\)](#) (See section 7.15 for more information.)
- B. Vendor Responsibility Questionnaire (See section 3.2 for questionnaire and more information.)
- C. Offerors must list and clearly explain any and all exceptions and/or caveats to any item contained in this RFP or sample contract language. All exceptions and/or caveats included in the proposal will be reviewed and only those of a non-substantive nature will be considered for inclusion in a final contract. Those of a substantive nature will need to be

rescinded in writing by the offeror or the proposal will be disqualified as non-conforming.

- D. [CMS User Authorization](#) (OCFS-4821) (Required for the OCFS Contract Management System)

5.4 Part II - Technical Proposal (70 points)

Each offerer's technical proposal must include separate responses to the following requirements. Such responses shall be placed in the technical proposal in the same order as shown below. The responses shall cite clearly the RFP section # of the appropriate proposal response requirement.

5.4.1 General Proposal Appearance

A. Binding of Proposal

The Technical Proposals must be separately bound and may be submitted together inside a sealed envelope. Each offerer will submit their proposal so that update pages can be easily incorporated into the original proposal. Acceptable methods include, but are not limited to, three-ring binders and binder clips. **Do not use staples or spiral wire binding.**

B. Front Cover

The legal name of the organization and the RFP number must appear on the outside front cover of each copy of the proposal. The original copy should be clearly labeled.

C. Table of Contents

The Technical Proposal must contain a table of contents. It is through this table of contents that OCFS will evaluate conformance to uniform proposal content and format requirements.

D. Index Tabs

The Technical Proposal must have all major sections labeled with index tabs or dividers that completely identify the titles of the major sections as they are named in the table of contents. Index tabs are not required between individual forms.

E. Page Numbering

Each page of the Technical Proposal and the Cost Proposal must be numbered consecutively from the beginning of the respective proposal through all appended material. Consecutive numbering of pages within consecutively number sections of the proposal is an acceptable alternative.

F. Font

Technical Proposals should utilize 12-point font. Arial, Times New Roman, and Calibri fonts are considered acceptable.

G. Margins

Administrative Proposals should utilize standard one-inch margins. It is permissible to use headers and footers inside the margins.

5.4.2 Proposal Content

Proposal Section 1 - *Executive Summary (Not Scored)*

Offerers will submit an executive summary, which must provide

- a brief history of the organization;
- the full array of services performed by the organization and relevant notable accomplishments;
- the offerer's understanding of the requirements presented in the RFP;
- a brief summary of the plan for delivery of the services to be provided and the number of professional and support personnel to be assigned. Offerers are cautioned to be sure that the information submitted in Proposal Section 3 (below) addresses all deliverables included in **Section 4 – Scope of Work**; and
- any proposed subcontractors or sub-offerers and their scope of work must be identified in the executive summary.

Proposal Section 2 - *Minimum Qualifications to Propose (Pass/Fail)*

Offerers will explain and provide proof as to how they meet the minimum qualifications as outlined in Section 3.1 of this RFP:

Please note: Omissions in the information provided in response to any of these requirements will not be resolved in the offerer's favor.

- Bidders must provide proof of at least five (5) years of experience within the last 8 years in the provision of Crisis Intervention, De-escalation, and Restraint Training for Residential Child Care Providers. At least one (1) year using the curriculum being proposed by the vendor. Each year of training experience includes at least eight (8) offerings of live training sessions with a minimum of ten (10) attendees in each session. **Please clearly describe the training provided and indicate the relevant dates when demonstrating your experience.**
- Bidders must supply contact information for at least five (5) not-for-profit and/or government customers and include a detailed description of the services provided for each by completing **Attachment 4 – References**. Bidders should provide the name, address, phone/fax numbers, email address, and website (if applicable) for each identified contact.

- Bidders must submit a copy of the training curriculum and associated training materials proposed by their organization. The submitted curriculum and materials must include a facilitator's guide, trainee guide/handouts, PowerPoint, pre/post-test and any other evaluative materials.
- Bidders must agree that they have read and agree to the terms of **Attachment 3 – OCFS BTD Copyright Policy** as evidenced by their responses on the **Attachment 1 – Proposers Certified Statements**, which must be included in your proposal.
- Bidders must agree that they have read and agree to the terms of BTD's [Operations Manual for Training Vendors \(OMTV\)](#) which sets forth policies and procedures for doing business with OCFS BTD, as evidenced by their responses on the **Attachment 1 – Proposers Certified Statements** which must be included in your proposal.

Proposal Section 3 – Experience and Deliverables (70 points)

1. Description of Training Expertise Required: (up to 10 points)

This section describes the subject matter and training knowledge, skills, and experience BTD has identified, as needed, to be considered for selection. Training delivery expertise focuses on the full range of classroom and/or e-learning capabilities required to provide high-quality, learner-centered instruction. BTD expects the bidder to identify work experience relevant to the target audience and services sought.

Bidder Capability: Bidders are expected to describe their organization's ability to deliver the specified training and services on the dates, times, and at locations to be determined or approved by BTD. Proposals are expected to describe the professional expertise and qualifications of the training staff assigned to the project. Training delivery occurs at various locations throughout New York State using training curricula and materials approved by BTD.

The proposal is expected to deliver the following:

- Provide a comprehensive description of the bidder's organization and its training services staff indicating the ability to deliver the requested training services. Include a list of the bidder's key staff and trainers assigned to the project and describe their experience (include resumes and organizational chart). For any positions that will need to be hired, provide the qualifications that will be required and the recruitment strategy to have staff in place and ready to deliver training by the contract start date.
- Describe the bidder's organization's ability to deliver multiple classroom-based and e-learning course offerings statewide.

- Describe experience demonstrating excellence in service (for example, include awards, ratings, evaluations, or other evidence of distinction in the training field)
- Describe in detail the organization's ability to provide the services sought in locations throughout New York State. Identify training space that is currently available to the vendor as well as any plans to utilize other available training space.

2. Subject Matter Expertise (within the last five years): (up to 10 points)

Bidders are expected to describe their organization's experience and expertise with the specific course content/subject matters relevant to Crisis Intervention, De-escalation, and Restraint Training for Residential Child Care Providers.

The proposal is expected to deliver the following:

- Describe qualifications to provide the services specified. Résumés submitted should highlight individual staff members' subject matter expertise to support this requirement.
- Describe the organization's additional background and experience deemed relevant

3. Training Expertise with Target Population and Human Services Organizations (within the last five years): (up to 10 points)

Bidders are expected to describe their experience in training the target population of this RFP (Residential Child Care Agency Trainers) and their experience with human services organizations (for example: state and local governments and not-for-profit providers). Bidders are also expected to describe their knowledge and experience with various methodologies and techniques including, but not limited to, case studies, role playing, small group discussion and facilitation, demonstrations, simulations, and direct lecture presentations.

The proposal is expected to deliver the following:

- Describe the organization's experience in teaching courses and/or providing training-related services to the target population of this RFP. Résumés submitted should highlight individual staff members' experience in training the target population and/or their experience with human services organizations to support this requirement.
- Include a list of courses delivered to the target population and/or human services organizations, both classroom-based and via webinar, for the category. Specify when and where these courses were conducted.
- Describe the nature of the training (for example, multisensory, multimodal, interactive, learner centered).

4. Curriculum Development: (up to 10 points)

Bidders are expected to describe their organization's capacity and experience in developing curriculum for adult learners, in general, and key/management/executive staff, in particular.

5. Use of Technology in Training Delivery: (up to 10 points)

Bidders are expected to describe their ability to provide all equipment necessary to deliver the services sought in this RFP. Bidders should also describe in detail their experience with synchronous e-learning platforms.

6. Curriculum Submission: (up to 15 points)

Bidders must submit curriculum as detailed in Section 4.0, Deliverable 1, which includes the participant's materials, trainer's guide, and any PowerPoint presentation and evaluation instrument, such as participant reaction questionnaires, and pre- and post-test. The curriculum must include the following, at a minimum: preventing crises and escalation, de-escalation techniques, behavior modification and proper and safe restraint methods, minimally including supine techniques, and the training techniques to be utilized. The training of escort techniques and standing restraint techniques are strongly encouraged to be included as topics in the curriculum. Curriculum must be adaptable to a blended learning approach upon request by OCFS (e.g., classroom, virtual synchronous and asynchronous).

7. Training and Technical Assistance Delivery Plan (up to 5 points)

Bidders must include a comprehensive plan for delivery of training and technical assistance as outlined in Section 4.0, Deliverables 2 through 5. Bidder's plan must include, but is not limited to, names, experience, and qualifications of proposed trainers, and plans for coordination of scheduling and delivery with BTM and residential childcare agencies.

5.5 Part III - Cost Proposal (30 points)

The information requested will be held in confidence and will not be revealed to or discussed with other bidders, except as required by applicable laws, rules, and regulations. The offerer's cost proposal must include the following:

- A transmittal letter signed by an individual who is authorized to legally bind the offerer in a contract
- A completed and signed **Attachment 2 – Cost Proposal**. The Cost Proposal shall comply with the mandatory format and content requirements as detailed in this RFP and in **Attachment 2**. Failure to comply with the mandatory format

and content requirements may result in disqualification. On the personnel page, names are not required but title/position is required.

Note: Attachments can be found on the Contract Reporter and the OCFS website. Please download them from that location, complete them, and include them with your proposal.

- All vendors' budgets for training include a **five (5) percent administrative fee** that will be deposited to the OCFS Training Management and Evaluation Fund (TMEF). The federal government allows OCFS to charge vendors this fee for the state's role in administering the human services training initiatives.
- Describe the relationship between funds requested and proposed activities. Describe the extent to which expenses are realistic, reasonable, necessary, allowable, and justified. This information is entered in the "Budget Narrative" fields in **Attachment 2**.
- A statement that the proposal remains valid for a minimum of 180 days from the proposal due date.

Use the following directions to briefly describe the expenses included in each budget category. The detail requested is essential to expedite the contract process. Accuracy and completeness are critical.

Ensure the following:

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

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 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 OSC 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, New York State Unemployment Insurance-SUI; New York State Disability Insurance and Workers' 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 MWBE and SDVOBs for Discretionary Purchases

In compliance with Article 15-A of the New York State Executive Law, contractors are required to spend thirty (30) percent of their overall discretionary budget through a New York State-certified Minority- or Women-Owned Business Enterprise (MWBE). Additionally, in compliance with Article 17-B of the New York State Executive Law, contractors are required to spend six percent of their overall discretionary budget through a Service-Disabled Veteran-Owned Business (SDVOB). As your organization develops its NPS budget for this contract, you must identify the discretionary purchases that are subject to the MWBE and SDVOB goals (See sections 7.10 and 7.11 of the RFP for more information.) The following NPS budget categories are subject to MWBE and SDVOB goals:

NPS Budget Category	MWBE/SDVOB Goal
1. Contractual/Consultant	Discretionary expenses in this category subject to goals
2. Travel	Travel expenses would be Non-discretionary – exempt, but Transportation (i.e., chartering of buses), is subject to goals.
3. Equipment	Discretionary expenses in this category subject to goals
4. Supplies	Discretionary expenses in this category subject to goals
5. Other Expenses	
a. Space/Property (Own)	Non-discretionary - exempt
b. Utilities	Non-discretionary - exempt
c. Operating Expenses	Discretionary expenses in this category subject to goals
d. Printing Services	Discretionary expenses in this category subject to goals
e. Other Expenses/Miscellaneous	Discretionary expenses in this category subject to goals
f. Administrative Expense	Non-discretionary - exempt

*If MBE/WBE/SDVOB are not going to be utilized, you should include enough detail in the applicable Budget Narrative section(s) to show why that spending category line should not be considered discretionary and counted toward your goals (i.e., "There are no M/WBE or SDVOB vendors for this

commodity/service in our area.” “We have established contracts with vendor xxx for this commodity/service.” etc.). The OCFS Contract Compliance Unit may reach out to you for further details/explanations and will require justification and information documenting good faith efforts.

NPS Budget Categories

All budget items to be purchased during the contract period must be for commodities that are 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 before 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 before claim for services is 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 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 before claim payment. Also, the OCFS share of travel expense must be based upon state guidelines; payment cannot exceed the state rates currently in effect.
 - Explain the purpose of the travel.
 - Number of participants.
 - Estimated miles.
 - Frequency of travel (e.g., per day, per week).
 - Be as clear as possible in explanation of need and cost.

- Show the percentage of time the vehicle will be used by the project, and only include requested funds for this percentage.
- If a subcontractor or consultant expense is more than \$15,000, three written bids are required. If you are unable to obtain three written bids, a justification as to price reasonableness is required. If other than the lowest bidder was selected, please provide justification.
- If the consultant/contractor is reimbursed at an hourly rate, the hourly rate and the number of hours must be calculated accurately and be included in the budget narrative.
- Indicate whether consultant's rate includes travel and lodging.

2. Travel

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

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

- All out of state travel must be preapproved 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 \$5,000 or more. 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 must be fully explained and justified by program need. Note that equipment purchases are generally not allowed for a contract with a term of 12 months or less.
- Delineate between administrative and program costs.
- If the item is to be used by more than one program, the cost must be prorated.

- Explain the program function and need for each item. Be as specific as possible.
- Clearly describe each item, including type and cost.
- Vehicles cannot be purchased. They may be leased if required for program operation. If vehicles are leased, the costs must be listed under the “Contractual/Consultant Services” section.

Equipment Narrative: Give a brief description of the program-related equipment supported by the 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 contractor owns the building, they must charge occupancy costs rather 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 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 are allocated to this project.

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 are allocated to this project.

d. Printing Services

- All agencies and subcontractors must make reasonable efforts to secure the lowest responsible bidder for printing services.
- In instances where the cost of a printing job exceeds \$5,000, documentation of three 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 MBE, WBE and SDVOB.
- Program materials to be printed using these funds must be preapproved 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, audiovisual 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.

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

B. For State-Funded Awards

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

- Total administrative expenses are limited to 15 percent of the award, less expenses for equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs, and the portion of each subcontract in excess of \$25,000.
- Administrative expenses include, but are not limited to
 - that portion of the salaries and benefits of staff performing administrative and coordination functions that cannot be attributed to particular program services, including but not limited to the executive director or chief executive officer, financial officers such as the chief financial officer or controller, and accounting personnel, billing, claiming or accounts payable and receivable personnel, human resources personnel, public relations personnel, administrative office support personnel, and information technology personnel, where such expenses cannot be attributed directly to the provision of program services;
 - that portion of expenses for office operations that cannot be attributed directly to the provision of program services, including telephones, computer systems and networks, professional and organizational dues, licenses, permits, subscriptions, publications, audit services, postage, office supplies, conference expenses, publicity and annual reports, insurance premiums, equipment that is expensed (rather than depreciated) in cost reports, where such expenses cannot be attributed directly to the provision of program services; and
 - up to the first \$25,000 of each subcontract.
- Indirect costs are considered in the total administrative costs for this project (indirect cost plus any directly charged administrative personnel, related fringe and nonpersonal 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.

5.6 Submission of Proposals

- A. Proposals must be signed by an individual who is authorized to legally bind the offerer to the provisions of the proposal.
- B. Offerers mailing their responses must allow sufficient mail delivery time to ensure that OCFS receives their proposal within the time frames indicated in **Section 1.2 Calendar of Events**.
- C. The Administrative Proposals, Technical Proposals, and Cost Proposals must each be separately bound and submitted in separately sealed envelopes. A sealed envelope may contain multiple proposals of the same type (i.e., three Administrative Proposals can go in one envelope). Administrative Proposals, Technical Proposals, and Cost Proposals must be sealed in separate envelopes. The sealed envelopes may be shipped together inside the same box. Each offerer must submit its proposal so that update pages may be easily incorporated into the original proposal. The following information must appear on the outside front cover of each proposal copy and displayed on the exterior of the packaging:
- Offerer's legal name and address
 - **RFP # 1055 Crisis Intervention Training**
 - Administrative Proposal, Technical Proposal, or Cost Proposal
 - Original or copy
 - Date
- D. Bidders assume all risks for timely, properly submitted delivery of proposals. Bidders are strongly encouraged to arrange for delivery of proposals to OCFS before the proposal due date referenced in **Section 1.2 Calendar of Events**. LATE PROPOSALS may not be accepted. Email and fax bid submissions are not acceptable and will not be considered.
- E. Mail or deliver proposals to:
- Director of Contracts
Proposal for **RFP # 1055 Crisis Intervention Training**
New York State Office of Children and Family Services
52 Washington Street
Room 202S – Procurement Unit
Rensselaer, NY 12144
- **Three (3) hard copies** (including at least one original) of the **Administrative Proposal** and one electronic copy on a flash drive (in PDF and MS Word format – the PDF must be an exact replica of the hard copy, including signatures. In the event of a discrepancy between copies, the hard copy will take priority.)
 - **Five (5) hard copies** (including at least one original) of the **Technical Proposal** and one electronic copy on a flash drive (in PDF and MS

Word format – the PDF must be an exact replica of the hard copy, including signatures). In the event of a discrepancy between copies, the hard copy will take priority.)

- **Three (3) hard copies** (including at least one original) of the **Cost Proposal** and one electronic copy on a flash drive (in scanned and fillable PDF format – the PDF must be an exact replica of the hard copy, including signatures. In the event of a discrepancy between copies, the hard copy will take priority.)

Proposals must be received by the due date and time identified in **Section 1.2 Calendar of Events**. Proposals received after the Deadline for Submission of Proposals may be rejected.

- G. By submitting a proposal, the bidder warrants that it has carefully reviewed the needs of the state (as described in this RFP, its attachments, and other communications related to this RFP), has familiarized itself with the specifications and requirements of this RFP and warrants that it can provide such products and services as represented in the bidder's proposal. The bidder agrees to perform all of its obligations should it be awarded a contract in accordance with all applicable federal, state and local laws, rules, regulations, and policies that are now or hereafter in effect, and any revisions of such laws, rules, regulations and policies. The bidder affirms that the terms of this RFP do not violate any contracts or agreements to which the bidder is a party, and that its other contractual obligations will not adversely influence its capabilities to perform the scope of work and requirements of this RFP.
- H. All proposals and accompanying documentation become the property of the state and will not be returned.
- I. Receipt of late proposals, as a general rule, cannot be accepted. However, if permitted by agency policy and if no timely and responsive proposals are received, a late proposal may be accepted. The agency must certify that proposals were received in accordance with the RFP.

6.0 EVALUATION AND SELECTION METHODOLOGY

Applications will be reviewed and scored by trained reviewers using a structured, pre-approved evaluation instrument. The final score will be based on the average of the reviewers' scores. Award recommendations will be based on the highest scoring applications and ranked by final average score.

If there is a tie between two or more proposals, the tie-breaker criteria outlined in Section 6.8 Final Composite Score will be used to break the tie.

6.1 General Information

OCFS will evaluate each proposal based on the "Best Value" concept. This means that the proposal that best "optimizes quality, cost, and efficiency among

responsive and responsible offerers” shall be selected for award (New York State Finance Law, Article 11, §163[1][j]).

OCFS, at its sole discretion, will determine which proposal(s) best satisfies its requirements. OCFS reserves all rights with respect to the award. All proposals deemed to be responsive to the requirements of this procurement will be evaluated and scored for technical qualities and cost. Proposals failing to meet the requirements of this document may be eliminated from consideration. The evaluation process will include separate technical and cost evaluations, and the result of each evaluation shall remain confidential until both evaluations have been completed and a selection of the winning proposal is made.

The evaluation process will be conducted in a comprehensive and impartial manner, as set forth herein, by an evaluation committee. The Technical Proposal and compliance with other RFP requirements (other than the Cost Proposal) will be weighted **70 percent** of a proposal’s total score and the information contained in the Cost Proposal will be weighted **30 percent** of a proposal’s total score. Proposers may be requested by OCFS to clarify the contents of their proposals. Other than to provide such information as may be requested by OCFS to clarify information contained in the proposal, no proposer will be allowed to alter its proposal or add information after the deadline for submission of proposals.

6.2 Submission Review

All proposals will undergo a preliminary technical evaluation to verify Minimum Qualifications to Propose (Section 3.0). OCFS will examine all proposals that are received in a proper and timely manner to determine if they meet the proposal submission requirements, as described in **Section 5.0 Proposal Requirements**, and include the proper documentation. Proposals that are materially deficient in meeting the submission requirements or have omitted material documents, may be rejected.

6.3 Technical Evaluation

The evaluation process will be conducted in a comprehensive and impartial manner. A Technical Evaluation Committee comprised of program staff of OCFS, and other evaluators as deemed appropriate by OCFS, will review and evaluate all proposals.

The Technical Evaluation Committee members will independently score each Technical Proposal that meets the submission requirements of this RFP. The individual committee member scores will be averaged to calculate the Technical Score for each responsive proposer.

6.4 Cost Evaluation

The Cost Evaluation Committee will examine the cost proposal documents. The cost proposals will be opened and reviewed for responsiveness to cost requirements. If a cost proposal is found to be non-responsive, that proposal may not receive a cost score and may be eliminated from consideration.

Each proposal that meets the submission requirements, passes the Preliminary Evaluation, and meets the cost proposal requirements will receive a cost score. The Cost Proposals will be scored based on a maximum cost score of **30 points**. The maximum cost score will be allocated to the proposal with the lowest all-inclusive not-to-exceed maximum price. All other responsive proposals will receive a proportionate score based on the relation of their Cost Proposal to the proposals offered at the lowest final cost, using this formula:

Cost points awarded = **30** potential points x (Lowest Cost Proposal / Cost of Proposal Being Evaluated)

6.5 Preliminary Composite Score

A preliminary composite score will be calculated by adding the preliminary Technical Proposal points and the Cost Proposal points. Finalists will be determined based on preliminary composite scores.

6.6 Interviews

Interviews, if determined to be necessary, will confirm the finalist's ability to provide the required services and allow the evaluators to validate the proposer's experience and deliverables. The proposer, including any key personnel, should be present and participate in the interview. No new material will be permitted to be introduced during the interview.

Each finalist will be notified of the date, place, and time of their interview to be held not earlier than the interview date designated in **Section 1.2 Calendar of Events**. Interviews will be held for all finalists in person at 164 Columbia Turnpike, Rensselaer, NY 12144, or at the discretion of the Technical Evaluation Committee, by telephone or videoconference. Finalists who do not confirm receipt of the notification within a week will be disqualified.

6.7 Reference Checks

The proposer must provide references using **Attachment 4 - References**. At the discretion of the Evaluation Committee, references may be checked at any point during the process. In the event that a reference check results in one or more negative references, OCFS may find the proposer non-responsive to the terms of this RFP, and this could result in the proposer's disqualification.

6.8 Final Composite Score

A Final Composite Score will be calculated by reflecting any adjustments that may result from interviews or reference checks (if applicable) to the Preliminary Composite Score.

Award recommendations will be based on the highest scoring proposals and ranked by Final Composite Score.

In the event a funding decision encounters a tie between two or more proposals, the applicant who scores higher in **Proposal Part III – Cost Proposal** will be awarded. If there continues to be a tie, then the proposal that scores higher in **Proposal Section 3 – Experience and Deliverables, 6. Curriculum Submission** will be awarded.

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

6.9 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, RFP, 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 OCFS’ deputy commissioner for administration or his or her designee.
8. “Decision after appeal” shall mean the decision on the appeal of a formal protest by OCFS’ commissioner or his or her designee.

C. Debriefing Request

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

1. OCFS will provide notice in writing or electronically to all unsuccessful offerers that the offerer will not receive a funded award under the RFP. An unsuccessful offerer wanting a debriefing must request a debriefing in writing, within 15 calendar days of receipt of the notice from OCFS that the offerer's proposal did not result in an award.
2. When OCFS receives a timely written request from the unsuccessful offerer, it 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 for their future proposals, bids, or offers to 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.

1. Submission of Bid or Award Protests

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

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

2. Review and Formal Protest Determination

- a. Formal protests must be filed with the OCFS deputy commissioner for administration. Any protests filed with the OCFS program division responsible for the procurement will be forwarded to the deputy commissioner for administration. Copies of all formal protests will be provided by the deputy commissioner for administration to the OCFS Division of Legal Affairs and other necessary parties within OCFS, as determined by the deputy commissioner for administration.
- b. 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.
- c. 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 deputy commissioner for administration or the deputy 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.
- d. The OCFS deputy commissioner for administration 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 commissioner, shall be sent to the protesting party or its agent within 30 business days of receiving the formal protest, except that upon notice to the protesting party, OCFS may extend such period. The formal protest determination will be recorded and included in the procurement record or otherwise forwarded to the OSC.

3. Appeal of Formal Protest Determination

- a. If the protesting party is not satisfied with the formal protest determination, the protesting party **must** submit a written notice of appeal to OCFS' commissioner no more than 15 business days after the date the formal protest determination is sent to the protesting party.
- b. The commissioner or his/her designee shall review the formal protest documentation and make a decision on all appeals.

- c. An appeal may not introduce new facts unless responding to facts or issues unknown to the protesting party before the formal protest determination.

4. Reservation of Rights and Responsibilities of OCFS

- a. 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.
 - b. 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.
 - c. 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 before issuance of a formal protest decision.
 - d. 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 before the formal protest determination. Receiving a formal protest will not otherwise stop action on the procurement and award of the contract(s) or on development of final contracts.
- i. 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 before 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).
 - ii. If a formal protest determination or decision after appeal is made after the transmittal of the procurement record and contract(s) to OSC, but before 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.
 - iii. All records related to formal protests and appeals shall be retained for at least one year following resolution of the formal protest. All other records concerning the procurement shall be retained according to the applicable requirements for records retention.

E. Appeal to the Office of the State Comptroller

If the protesting party is still not satisfied with the result of its protest after conclusion of the formal protest and appeal procedure described above, the protesting party may file a written appeal with the OSC within 10 business days of the date the protesting party received OCFS' 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 New York State Office of the State Comptroller, 110 State Street, 11th Floor, Albany, NY 12236.

7.0 MANDATORY CONTRACTING REQUIREMENTS

7.1 Contract Readiness

It is expected that all offerers awarded a contract will negotiate with New York State in good faith and cooperatively work with OCFS to move from an award to an approved contract before the anticipated contract start date that is noted in sections 1.2 and 2.3 of this RFP. It is expected that this process will be expedited, and awardees will need to be available and prepared to respond in required timeframes. OCFS may revoke an award made under this RFP, if it determines it is in the best interest of New York State, if awardees do not meet the time frames needed for contract development and/or signature to meet the anticipated contract start date.

Before submitting a bid, an offerer is responsible for various verifications that validate its capacity and organizational authority to receive public funding and operate a business in New York State. All suppliers of goods and services to New York State must be registered in the New York Statewide Financial System (SFS) Central Vendor Registry file and provide their identification number at the time of contracting. For additional information on the vendor file, contact: <https://www.osc.state.ny.us/vendors/vendorselfservicesystem.htm>.

7.2 Standard Contract Language

The terms and conditions can be viewed [online](#) by clicking on this link and are hereby incorporated into this RFP. By applying to this RFP offerers agree that they have reviewed and understand the contract terms and conditions. Contracts awarded under this RFP must be approved by the New York State Office of the Attorney General (OAG) and the New York State Office of the State Comptroller (OSC). Upon contract award and completion of negotiations, OCFS will send successful awardees the complete contract for development and signature before submitting it to the OAG and to OSC for approval. Contractors may not begin to provide services before the contract start date; OCFS has no obligation to pay for services rendered before that time.

7.3 Contract Management System (CMS)

OCFS has developed a comprehensive, web-based Contract Management System (CMS) providing technology that automates the contract development, claiming, and program reporting process. Vendors awarded contracts under this procurement may develop and electronically sign contracts through CMS. The opportunity to submit claims and program reports online is also available to CMS users. For online contract development and claims processing, all vendors are required to include form OCFS-4821, [Contract Management System \(CMS\) Authorization Form](#). In addition to the authorization form, a current organization chart that indicates where the organization head or the chief administrative officer and the contract developers, contract signatories, and claim signatories appear in relation to the board of directors and the organization as a whole must be on file with OCFS, and must be included with the proposal.

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

CMS standardizes the contract development process, automating labor-intensive tasks and providing system edits that reduce common errors. Interactive budget and contract documents streamline the development process. Intuitive screens provide a user-friendly environment. Online claiming functionality allows for expedited payment of claims through the use of system edits, elimination of mailing time, and consolidation of all supporting documentation into one easy-to-access location. CMS features will permit vendors to do the following online:

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

CMS has no hardware requirements. Minimum computer requirements for participating are simply internet access, Explorer 6.0 or above and Acrobat Reader 7.0 – 11.0 (CMS is not compatible with Acrobat Reader DC). Acrobat Reader can be obtained free of charge at:

<http://get.adobe.com/reader>

For Macintosh users, Safari 3.1 or higher is recommended and can be obtained free of charge at:

<http://www.apple.com/support/mac-apps/safari/>

7.4 Workers' Compensation Insurance and Disability Benefits Coverage

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

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

5. Proof of Workers' Compensation Coverage

To comply with coverage provisions of the WCL, the Workers' Compensation Board requires that a business seeking to enter into a state contract submit appropriate proof of coverage to the state contracting entity issuing the contract. For each new contract or contract renewal, the contracting entity must obtain ONE of the following forms from the contractor and submit to OSC to prove the contractor has appropriate workers' compensation insurance coverage. Access the forms at:

<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;³ or
- **Form SI-12⁴** - *Certificate of Workers' Compensation Self-Insurance*, or **Form GSI-105.2,⁵** *Certificate of Participation in Workers' Compensation Group Self-Insurance*; or
- **CE-200⁶** - *Certificate of Attestation of Exemption from New York State Workers' Compensation and/or Disability and Paid Family Leave Benefits coverage*.

6. 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-120.1³** - *Certificate of Disability Benefits Insurance*; or
- **Form DB-120.2** – *Certificate of Participation in Disability Benefits Group Insurance*; or

- **Form DB-155⁷** - *Certificate of Disability Benefits Self-Insurance*; or
- **CE-200⁶** - *Certificate of Attestation of Exemption from New York State Workers' Compensation and/or Disability and Paid family Leave Benefits coverage.*

7.5 Confidentiality and Awardee, Contractor, Employee, and Volunteer Criminal History Background Checks

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

- 7.5.1 **Confidentiality** - New York State law requires that any client identifiable information be kept confidential. Any awardee or contractor, employee, or volunteer of the awardee who will be provided with confidential information of recipients served by the awardee must complete and sign form OCFS-4715, [Confidentiality Non-Disclosure Agreement](#). This form must be completed before the start date of the contract and before any such awardee, contractor, employee, or volunteer is permitted access to youth served by an awardee or to any financial or client identifiable information concerning such youth. For additional information, see **Attachment A-1, Section 7 Confidentiality and Protection of Human Subjects**, located at the link to a standard contract listed in Section 7.2 above.
- 7.5.2 **Criminal History Background Checks** - Any awardee or contractor, employee, or volunteer of the awardee, who will have the potential for regular and substantial contact with youth receiving services must be subject to background screening and be cleared to hire before the start date of the contract and before such persons are permitted any unrestricted contact with youth. The screening must include a review of individuals' backgrounds through the following three services: New York State Justice Center for the Protection of People With Special Needs Staff Exclusion List (SEL), New York Statewide Central Register (SCR) list; and a criminal background check vendor that will conduct both a federal check and a check of all 50 states. Additional information regarding all three services will be provided upon the grant of an award. Please note that the grant of an award may be negatively impacted if background checks reveal that an individual proposed to provide services is on the SEL, is the subject of any indicated report of child abuse and/or maltreatment or has convictions for one or more prior criminal offenses. Awardees are responsible for notifying OCFS if a background check reveals that a contractor, employee, or volunteer of the awardee proposed to provide services has a criminal history. Any criminal history revealed as a result of such screening will be evaluated by OCFS pursuant to Correction Law Article 23-A, section 752, on a case-by-case basis taking into consideration the duties of the position and those factors set forth in Correction Law Article 23-A, section 753. OCFS will evaluate the

results of the screening in accordance with Correction Law Article 23-A and notify the awardee of its determination. The awardee shall be responsible for the cost associated with any required background screens of the individuals identified in this section.

7.6 Minority- and Women-Owned Business Enterprise (MWBE) – Equal Employment Opportunity (EEO) - Requirements and Procedures

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

7.6.1 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 MWBE and the employment of minority group members and women in the performance of OCFS contracts.

7.6.2 MWBE Business Participation Opportunities – OCFS Established Goals

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

7.6.3 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 MWBE had the contractor achieved the contractual MWBE goals and (2) all sums actually paid to MWBE 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 nonelectronic 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 it within seven business days of receipt by submitting to the OCFS a written remedy in response to the notice to ContractCompliance@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 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 nonresponsive 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
- d) If OCFS determines that the respondent has failed to document good faith efforts

The successful respondent will be required to attempt to use, 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 before submitting a request for final payment on the contract.

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

7.6.4 Equal Employment Opportunity (EEO) Requirements

By submitting 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, 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 an MWBE and Equal Employment Opportunity Policy Statement, as referenced in **Section 5.6 Submission of Proposals**, to OCFS with its bid or proposal.

If awarded a contract, respondent shall submit a Workforce Utilization Report and shall require each of its subcontractors to submit the same, in a format that OCFS requires 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 subcontractors will not discriminate against any employee or applicant for employment because of race, 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.

7.7 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 percent** of discretionary nonpersonnel service spending in the fulfillment of the requirements of their contracts with OCFS. Such partnering may include utilizing certified SDVOBs as subcontractors, suppliers, protégés, or in other supporting roles to the maximum extent practical, and consistent with the legal requirements of the State Finance Law and the Executive Law. Certified SDVOBs may be readily identified through the directory of certified businesses at: [List of Certified NYS Service-Disabled Veteran-Owned Businesses](#).

7.8 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 the New York State Empire State Development (ESD) business enterprises, including certified minority-/women-owned businesses; or

- contacted ESD to obtain listings of New York State business enterprises and MWBEs;
 - 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 in a “discriminatory jurisdiction.” This is defined as a state or political subdivision that 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.

7.9 Anti-Kickback Act

The contractor understands that it must comply with federal Executive Order 11246, the Copeland “Anti-Kickback Act” (18 USC 874), section 508

of the federal Clean Air Act, Section 306 of the federal Clean Water Act, and that it must certify that neither it nor its principals are debarred or suspended from federal financial assistance programs and activities and to complete and return in pursuit of such certification any appropriate form required by the state (see federal Executive Order 12549 and 7 CFR Part 3017).

7.10 Contractor Responsibility

If the selected offerer's proposal includes services provided by an entity other than the offerer, it shall be mandatory for the selected offerer to assume full responsibility for the delivery for such items offered in the proposal. Should the selected offerer seek external financing, OCFS reserves the right to approve the assignment of the contract for financing purposes. In any event, OCFS will contract only with an offerer, not the offerer's financing institution or subcontractors. OCFS shall consider the selected offerer to be the sole responsible contractor regarding all provisions of the contract resulting from this RFP. Should an offeror wish to subcontract any of its responsibilities under any contract resulting from this solicitation, OCFS requires its contractors to obtain approval from OCFS before subcontracting.

7.11 Multiagency Use

The contract entered into, pursuant to an award resulting from this RFP, shall contain a provision that grants the option to extend the terms and conditions of such contract to any other state agency in New York State.

7.12 Public Officers Law

All offerers and their employees must be aware of and comply with the requirements of the New York State Public Officers Law, and all other appropriate provisions of New York State law and all resultant codes, rules, and regulations from state laws establishing the standards for business and professional activities of state employees and governing the conduct of employees of firms, associations, and corporations in business with the state. In signing the proposal, each offerer guarantees knowledge and full compliance with those provisions for any dealings, transactions, sales, contracts, services, offers, relationships, etc. involving the state and/or state employees. Failure to comply with those provisions may result in disqualification from the bidding process and in other civil or criminal proceedings as required by law <https://www.nysenate.gov/legislation/laws/PBO>.

7.13 Office of Information Technology Services

Before award selection, this RFP and all responses thereto may be subject to review by the New York State Office of Information Technology Services.

7.14 New York State Sales and Compensating Use Taxes

Tax Law Section 5-a, which was added to the Tax Law under Part N of Chapter 60 of the Laws of 2004, imposes upon certain contractors the obligation to certify whether the contractor and its affiliates are required to register to collect state sales and compensating use tax. Where required to register, the contractor must also certify that it is, in fact, registered with the New York State Department of Taxation and Finance (DTF). The law prohibits the New York State Comptroller, or other approving agency, from approving a contract awarded to an offerer meeting the registration requirements but who is not registered according to law.

Pursuant to Tax Law Section 5-a, the contractor, upon award, will be required to complete and sign, under penalty of perjury, the *contractor Certification* form ([ST-220-TD](#)) and the *Contractor Certification to Covered Agency* form ([ST-220-CA](#)). The contractor must also submit a copy of the certificate of authority, if available, for itself and any affiliates required to register to collect state sales and compensating use tax. If certificates of authority are unavailable, the contractor, affiliate, subcontractor, or affiliate of subcontractor must represent that it is registered and that it has confirmed such status with DTF.

The above-noted ST-220-TD and ST-220-CA forms and additional information regarding New York State sales and compensating use taxes can be found at the following websites:

Publication 223

<http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>

ST-220-CA

http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf

ST-220-TD

http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf

<https://www.tax.ny.gov/>

7.15 Consultant Disclosure Requirements (If Applicable)

Chapter 10 of the Laws of 2006 requires collection and reporting of consulting services contracts by New York State vendors and state agencies during the April 1 through March 31 State Fiscal Year. The Law took effect June 19, 2006. This form should include the projected employees and number of hours they will work. Instructions for completing this form can be found [here](#). A description of employment categories can be found [here](#).

- **Initial Report Requirements**

State contractors are required to disclose by employment category, the

number of persons projected to be employed who will provide services under a contract for consulting services, the number of hours that they will work, and the amount they will be paid working under the state contract. This will include information on any persons working under any subcontracts with the state contractor.

To comply with these reporting requirements, state contractors must complete and submit form [AC-3271-S, New York State Consultant Services Contractor's Planned Employment](#) to their OCFS contract manager with applicable contract documents.

- **Annual Report Requirements**

State contractors must also report each year on the actual employment information described above, including work performed by subcontractors. The report must include employment information for the period ending March 31 of each year. To comply with the annual reporting requirement, state contractors must complete form [AC-3272-S, New York State Consultant Services contractor's Annual Employment Report](#) and submit it by April 30 of each year to the following offices:

Kevin Sweet
Bureau of Contract Management
New York State Office of Children and Family Services
52 Washington Street, South Building, Room 202
Rensselaer, NY 12144

New York State Office of the State Comptroller
Bureau of Contracts
110 State Street, 11th Floor
Albany, NY 12236
Attn: Consultant Reporting

New York State Department of Civil Service
ESP, Agency Building 1
19th Floor
Albany, NY 12239

7.16 Application Development or Programming

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

Such quality assurance testing will be conducted by OCFS and the results of such testing must be satisfactory to OCFS before web content will be considered a qualified deliverable under the contract or procurement.

7.17 State Finance Law §139-I; Statement on Sexual Harassment in Bids

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

7.18 Federal Funds

OCFS will be using federal dollars to fund all or part of this project. The federal funding requirements will be included as [Appendix A-3, Federal Assurances and Certifications](#) of any contract that results from this RFP. A copy of **Appendix A3**, with a completed and signed certification must be returned with the bidder’s proposal (See **Section 5.3.2 Proposal Content**.)

7.19 Summary of Forms Required After Award and Before contracting

1. Proof of Workers’ Compensation Insurance (See Section 7.4.A for more information)
2. Proof of Disability Insurance (See Section 7.4.B for more information.)
3. [New York State Consultant Services – Contractor’s Planned Employment \(AC-3271-S\)](#) (See Section 7.15 for more information)
4. [ST-220-TD](#) (NYS Tax Department Form) contractor Certification (**if applicable**) (See Section 7.14 for more information.)

5. [ST-220-CA](#) (NYS Tax Department Form) contractor Certification to Covered Agency (if applicable) (See Section 7.14 for more information.)
6. [Contractor Employee and Volunteer Background Certification \(OCFS-4716\)](#) (if applicable) (See Section 7.5 for more information.)
7. [Confidentiality Non-Disclosure Agreement \(OCFS-4715\)](#) (if applicable) (See Section 7.5 for more information.)
8. [Contract Management System \(CMS\) Authorization Form \(OCFS-4821\)](#) (See Section 7.3 for more information.)

7.20 Summary of Forms Required During Contract Term

1. [MWBE Quarterly Report Form \(OCFS-4441\)](#) (See [Appendix MWBE](#) for more information.)
2. [New York State Consultant Services – Contractor’s Annual Employment Report \(AC-3272-S\)](#) (if applicable) (See Section 7.15 for more information.)

7.21 Appendix A - Standard Clauses for NYS contracts

If applying, your organization must read, understand, and be prepared to accept all provisions of Appendix A – Standard Clauses for New York State contracts. Appendix A contains important information related to the contract to be entered into as a result of this RFP and will be incorporated, without change or amendment, into the contract entered into between OCFS and the selected proposer. By submitting a response to the RFP, the proposer agrees to comply with all the provisions of Appendix A. Please review the sample non-grant contract template, which includes the Appendix A, available at <https://ocfs.ny.gov/main/contracts/docs/Non-Grant-contract-Template.pdf>.

7.22 Executive Order Number 38

On January 18, 2012, Governor Andrew M. Cuomo issued Executive Order No. 38 “Limits on State-Funded Administrative Costs and Executive Compensation,” which requires that state agencies establish limits on state reimbursement of administrative and executive compensation costs for contracts and programs that provide direct services to clients. Contracts, payment requests, and reporting must comply with this Executive Order, which can be found at: <http://executiveorder38.ny.gov/>.

LEGAL NOTICE: Based upon the April 8, 2014, decision in *Agencies for Children's Therapy Services, Inc. v. New York State Department of Health, et al. (ACTS)*, covered providers conducting business in Nassau County need not file Executive Order No. 38 disclosures. For purposes of this notice, "conducting business" means having a place of business within Nassau County, providing program services or administrative services involving the use or receipt of state funds or state-authorized payments within Nassau County, or otherwise conducting business within Nassau County in relation

to which executive compensation is paid. Please note that the ACTS decision is under appeal. Those affected by the ACTS decision should periodically check the Executive Order 38 website for updates regarding any changes to this notice.

7.23 Executive Order Number 175 (If Applicable)

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

7.24 Executive Order Number 177

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

8.0 PROGRAM-SPECIFIC REQUIREMENTS AND FORMS

Please see the following attachments to this RFP, which are available on the OCFS website (<https://ocfs.ny.gov/main/contracts/funding/>) and the New York State Contract Reporter website at (<https://www.nyscr.ny.gov/login.cfm>)

Attachment 1 – Proposer's Certified Statements

Attachment 2 – Cost Proposal

Attachment 3 – OCFS Copyright Policy

Attachment 4 – References

Attachment 5 – Operations Manual for Training Vendors (OMTV)