



**Office of Children
and Family Services**

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

Non-Grant Procurement

REQUEST FOR PROPOSALS

RFP # 2018-21

Child Fatality Review Team (CFRT)

Re-Issued: October 5, 2018

Bidder's Notice Posted October 5, 2018

This notice is being issued to potential bidders notifying them the above titled RFP has been re-issued to solicit services for State counties not tentatively awarded under the Child Fatality Review Team (CFRT) RFP # 2018-02. Please see **Section 1.3 Calendar of Events** of this RFP for additional information. All potential applicants that propose to serve counties listed in **Section 2.2 Background** and meet the requirements in **Section 3.1 Minimum Qualifications** of this RFP are encouraged to apply. Please note that minutes and attendance records from board meetings are not required to be included in the proposals submitted in response to this RFP.

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1.0 GENERAL INFORMATION/CALENDAR OF EVENTS

The New York State Office of Children and Family Services (OCFS) is soliciting applicants to coordinate new or expand existing local and regional Child Fatality Review Teams (CFRTs). The purpose of the CFRT is to prevent future deaths and to promote child safety through a comprehensive, multi-disciplinary examination of the cause, manner and circumstances of a child's death. 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 Request for Proposals (RFP), the offerer shall immediately notify OCFS (See **Section 1.1, Procurement Integrity/Restrictions on Communications**) of such error in writing and request clarification or modification of the document.

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

1.1 Procurement 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 RFP 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 # 2018-21 CFRT Re-Issue
Office of Children and Family Services
52 Washington Street
Room 202S – RFP Unit
Rensselaer, NY 12144

“Restricted period” means the period of time commencing with the earliest posting, of written notice, advertisement, or solicitation, to include but not limited to on a governmental entity’s website, in a newspaper of general circulation, or in the NYS Contract Reporter, of a Request for Proposals (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 NYS 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 Section 1.1 entitled “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 # 2018-21 Child Fatality Review Team (CFRT) Re-Issue	
EVENT	DATE
Re-Issuance of Request for Proposals	October 5, 2018
Informational Meeting/Technical Assistance Sessions/Bidders Conference (<i>optional</i>) See Section 1.3 for more information	Not Applicable
Deadline for Submission of Written Questions See Section 1.4 for more information	October 10, 2018 by 5:00 p.m. Eastern Time
Responses to Written Questions Posted (anticipated) See Section 1.4 for more information	October 17, 2018
Deadline for Submission of Proposals	October 31, 2018 by 4:00 p.m. Eastern Time
Anticipated Notification of Award (not earlier than)	November 12, 2018
Anticipated Contract Start Date	February 1, 2019

1.3 Informational Meeting/Technical Assistance Session

Not Applicable.

1.4 Submission of Written Questions

All communications to report errors or omissions in the procurement process or 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) 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 (<http://ocfs.ny.gov/main/bcm/rfp.asp>) and the NYS Contract Reporter website at (<https://www.nyscr.ny.gov/login.cfm>) on 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 prior to the due date for the submission of proposals;
3. reject any or all proposals received in response to the RFP;
4. withdraw the RFP at any time at the agency's sole discretion;
5. make an award under the RFP in whole or in part;
6. disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFP;
7. reject any proposal if, in the sole discretion of OCFS, it determines the bidder is not a responsible vendor;
8. seek clarification and revisions of proposals. Request bidders to present supplemental information clarifying their proposals either in writing or by formal presentation. Other than the requested clarification and supplemental information, submission of new information is not permitted;
9. require that bidders demonstrate, to the satisfaction of OCFS, any feature(s) present as a part of their proposal, which may include an oral presentation of their proposal. Any such demonstration or presentation may be considered in the evaluation of the proposal;
10. amend any part of this RFP prior to opening of bids, with notification to all bidders, and direct all bidders to prepare modifications addressing RFP amendments, if necessary. Expenses incurred in the preparation of any proposals or modifications submitted in response to this RFP are the sole responsibility of the bidder or other party and will not be incurred or reimbursed by OCFS;
11. make funding decisions that maximize compliance with and address the outcomes identified in this RFP;

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

24. make additional awards based on the remaining proposals submitted in response to this RFP and/or provide additional funding to awardees if such funds become available;
25. make inquiries of third parties, including but not limited to, bidders' references, with regard to the applicants' experience or other matters deemed relevant to the proposal by OCFS. By submitting a proposal in response to this RFP, the applicant gives its consent to any inquiry made by OCFS;
26. require contractors to participate in a formal evaluation of the program to be developed by OCFS. Contractors may be required to collect data for these purposes. The evaluation design will maintain confidentiality of participants and recognize practical constraints of collecting this kind of information;
27. consider statewide distribution and regional distribution within New York City, including borough distribution methodology, in evaluating proposals;
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. prior to the deadline for submission of proposals, any such clarifications or modifications as deemed necessary by OCFS will be posted in the NYS Contract Reporter, and on the OCFS website. Potential offerers that were sent the original bid notice via email will receive an email from the RFP unit regarding the clarifications or modifications. All other individuals will have to check the NYS Contract Reporter or the OCFS website for any changes and check the posted Q and As.

2.0 EXECUTIVE OVERVIEW

2.1 Purpose and Procurement Objectives

The New York State Office of Children and Family Services (OCFS) is soliciting applicants to start new or expand existing local and regional Child Fatality Review Teams (CFRTs). The purpose of the CFRT is to promote safety through comprehensive, multi-disciplinary examination of the cause, manner and circumstances of a child's death and to prevent future deaths.

An OCFS approved CFRT is authorized in accordance with SSL §422-b to review the death of any child

- whose care and custody or custody and guardianship has been transferred to an authorized agency (other than a vulnerable child as defined in Article 11 of the SSL),
- for whom child protection services has an open case,
- for whom the local department of social services (LDSS) has an open preventive services case, and
- whose death has been reported to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR).
- An approved CFRT may also review any suspicious, unexplained or unexpected death of any child under the age of eighteen.

An OCFS approved CFRT may exercise the same authority as OCFS regarding the preparation of a fatality report as set forth in SSL §20(5)(b) and (c). Such reports are subject to the review and approval of OCFS and the same redisclosure provisions as fatality reports prepared by OCFS.

Objectives of Child Death Review

- Accurately identify, and uniformly and consistently report the cause and manner of every child death.
- Improve communication and linkages among local and state agencies and enhance coordination of efforts.
- Improve agency responses in the investigation of child deaths.
- Improve agency response to protect siblings and other children in the homes of deceased children.
- Improve criminal investigations and the prosecution of child homicides.
- Improve delivery of services to children, families, providers and community members.
- Identify specific barriers and system issues involved in the deaths of children.
- Identify significant risk factors and trends in child deaths.
- Identify and advocate for needed changes in legislation, policy and practices and expanded efforts in child health and safety to prevent child deaths.
- Increase public awareness and advocacy for the issues that affect the health and safety of children.

2.2 Background

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

As required by law (SSL §20(5)), OCFS reviews fatalities of children whose care and custody or custody and guardianship has been transferred to an authorized agency (other than a vulnerable child as defined in the SSL §488), or for whom

child protection services has an open case, or for whom the LDSS has an open preventive services case, and or whose death has been reported to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR). For each of these categories of fatalities, OCFS issues an individual fatality report which evaluates all aspects of the local department of social services investigation. Per SSL §20(5)(b), such report shall include (i) the cause of death, whether from natural or other causes, (ii) identification of child protective or other services provided or actions taken regarding such child and his or her family, (iii) any extraordinary or pertinent information concerning the circumstances of the child's death, (iv) whether the child or the child's family had received assistance, care or services from the social services district prior to the child's death, (v) any action or further investigation undertaken by the department or by the local social services district since the death of the child, and (vi) as appropriate, recommendations for local or state administrative or policy changes. Such report shall contain no information that would identify the name of the deceased child, his or her siblings, the parent or other person legally responsible for the child or any other members of the child's household.

SSL §422-b authorizes the creation of local or regional CFRTS that have similar authority as OCFS in regard to the review of fatalities and the issuance of child fatality reports. Such CFRTs are subject to OCFS approval in accordance with SSL §422-b(1).

OCFS approved CFRTs bring together community agencies to conduct a comprehensive multi-disciplinary examination of the cause, manner and circumstances surrounding a child's death. These reviews are done either concurrently to the investigation or retrospectively. The findings from the review can then lead to collaborative efforts to improve child safety and to reduce future fatalities.

CFRTs must be comprised of team members from the statutorily mandated (SSL §422-b(3)) agencies specified in section 3.1 (Regional teams will have two or more designated representatives on the team; one from each required discipline of the participating counties.)

Child Fatality Review Teams

Local Team: a team where all mandatory and permissive members are from the same geographic New York State county.

Regional Team: a team where mandatory and permissive members are from two or more neighboring New York State counties.

Offerers submitting proposals for "Group 1" (large) and "Group 2" (medium) counties identified below may submit a proposal for either a local team or a regional team. Offerers submitting a proposal for "Group 3" (small) counties may only propose a regional team.

Only one application will be accepted for a local or regional CFRT.

The State Fiscal Year 2017-18 State Budget includes \$238,390 to support local and regional CFRTs. OCFS intends to fund contracts as described herein. This amount is subject to the continued availability of funding.

Funding for teams will be based on the OCFS Comparable Groups Classification (17-OCFS-LCM-07) as shown below:

Group 1 (large) counties: Albany, Erie, Monroe, New York City (including all five boroughs), Orange and Suffolk

Group 2 (medium) counties: Cattaraugus, Chautauqua, Chemung, Clinton, Dutchess, Fulton, Madison, Ontario, Rockland, Saratoga, Schenectady, Steuben, Sullivan, Ulster, Washington and Wayne

Group 3 (small) counties: Allegany, Chenango, Cortland, Delaware, Essex, Franklin, Genesee, Greene, Hamilton, Herkimer, Livingston, Montgomery, Orleans, Otsego, Putnam, Schoharie, Schuyler, Seneca, Tompkins, Warren, Wyoming and Yates.

Funding allocations will be available as follows:

- Group 1 - Applicants may apply for up to \$70,000 annually for a local team. Applicants from Group 1 counties can apply to lead a regional team and can request up to an additional \$10,000 for each neighboring county added to the team.
- Group 2 –Applicants may apply for up to \$50,000 annually for a local team. Applicants from Group 2 counties can apply to lead a regional team and can request up to an additional \$10,000 for each neighboring county added to the team.
- Group 3 - Group 3 counties can only be a member of a regional team and cannot apply to be local team. Lead applicants from Group 3 counties can apply for up to \$50,000 regardless of the number of counties represented on the team. Group 3 counties may join as a member of a regional team without being the lead applicant.

2.3 Term of Contract

The contracts awarded in response to this RFP will be for five (5) years with an anticipated start date of **February 1, 2019** and the anticipated end date of **January 31, 2024**. Funding is anticipated to be available for the first year of the contract. The award of a multi-year contract does not guarantee that funding will be available for subsequent years. Contractors may not begin to provide services prior to the contract start date; OCFS has no obligation to pay for services rendered prior to that time.

To be considered for future funding, new or existing contractors must apply under this RFP.

3.0 MINIMUM QUALIFICATIONS TO PROPOSE

3.1 Minimum Qualifications

Eligible Offerers

- Eligible offerers must be a not-for-profit organization or local government agency located in the county proposed to be served.
- For regional teams, eligible offerers must be located in one of the counties proposed to be served.

Required Team Membership

Each offerer must submit documentation demonstrating that their team consists of a designated representative from each of the following statutorily mandated agencies (Regional teams will have two or more designated representatives on their regional team; one from each of the required disciplines from each of the counties on the regional team):

- LDSS Child Protective Services
- County Department of Health (or local health commissioner or local public health director or their designee if there is no county health department)
- Office of the Medical Examiner (ME), (or if the locality does not have an ME, then the Office of the Coroner)
- District Attorney's Office
- Office of the County Attorney
- Local Law Enforcement
- State Law Enforcement
- Emergency Medical Services (EMS)
- A pediatrician or comparable medical professional, preferably with expertise in child abuse and maltreatment, or forensic pediatrics

Per SSL §422-b(3) child fatality review teams may also include representatives from:

- LDSS
- Mental health agencies
- Domestic violence agencies
- Substance abuse programs
- Hospitals
- Local schools, and
- Family court

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 prior to awarding that bidder a state contract. Vendor responsibility will be determined based on the information provided by the bidder, on-line, through the New York State VendRep System Questionnaire or through a paper copy of the *Vendor Responsibility Questionnaire*. OCFS will review the information provided before making an award.

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

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

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

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

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

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

Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor Identification Number or for direct VendRep System user assistance, the OSC Help Desk may be reached at 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 re-enter data for each subsequent questionnaire submission.
- Reduction of costs associated with paper documents including copying, delivery and filing.
- Online questionnaire information is secure and accessible to authorized vendor users only. State agencies can only view certified and finalized questionnaires.
- VendRep question prompts ensure that the correct forms are completed.
- The VendRep On-Line System contains links to all definitions of the terms used in the questionnaire.

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

Confirmation of **completion** of the vendor responsibility process must be submitted with your proposal. This confirmation can take the form of registration in the VendRep system, or by submitting your completed hardcopy questionnaire. To submit this confirmation with your application, go to the bottom of your certified questionnaire, and click the button called "Form Overview." Print this page and submit it with your application.

4.0 SCOPE OF WORK

The Purpose of Child Death Review

To conduct a comprehensive, multidisciplinary review of child deaths, to better understand how and why children die, and use the findings to take action that can prevent other deaths and improve the health and safety of children.

Each CFRT lead must:

- Conduct a CFRT meeting a minimum of once every three months (quarterly). Depending on the number of child fatalities which occur in the county/region, the CFRT may need to meet more often to conduct a child fatality case review. In addition to conducting child fatality reviews, meetings are used to develop and implement prevention strategies aimed at reducing child fatalities. (See below for additional information regarding case reviews).

Notes:

- For local teams, attendance of mandatory members at every CFRT meeting is required. For regional teams, at least two representatives from each participating county must be in attendance and all the required disciplines must be represented at each meeting.
 - Every member must have a designated back-up from their agency who can substitute at a meeting in their absence. Attendance by phone can be an option when a mandatory member and the designated back-up is unable to attend. If a member attends by phone, they must sign and submit a confidentiality agreement to the coordinator prior to the scheduled meeting. If there is a pattern of multiple mandatory members missing meetings, funding for the quarter may be withheld at the discretion of OCFS.
 - CACs must hold their CFRT meetings separate from their MDT/CAC meetings.
-
- Provide team development and fatality review training as needed.
 - Facilitate the review of all SSL §20(5) fatalities occurring in the county/region during the contract period. Teams may choose to review non-SSL §20(5) fatalities.
 - Discuss, during each review, the investigation and the delivery of services provided to the child's family prior to and since the fatality, identify risk factors and identify potential systemic issues.
 - Identify, develop, implement and monitor prevention strategies to address risk factors and themes (All CFRTs must also implement safe sleep prevention activities).
 - Identify, develop, implement and monitor action plans to address system improvements.
 - Track and report the total number and type of child fatalities reviewed by category (SSL §20(5) and non-SSL §20(5)) and provide aggregate information regarding risk factors, systemic issues, themes and action plans.
 - Enter the information from all fatalities reviewed into the National Child Fatality Review and Prevention system within one month of the fatality review.
 - Submit quarterly and annual program and fiscal reports per OCFS requirements, including meeting minutes and attendance lists.
 - Develop interagency CFRT protocols and confidentiality procedures, subject to the review and approval of OCFS, prior to case review.
 - Seek review and written approval by OCFS to amend approved protocols.

Case Reviews

Case review is a formal process by which knowledge, experience and expertise of CFRT members is shared so that: informed decisions can be made, collaborative efforts are nurtured, formal and informal communication is promoted, and mutual support is provided. Case review encourages mutual accountability and helps to determine whether all the family and surviving siblings' needs are met sensitively, effectively and in a timely manner. Case review is also an opportunity for CFRT members to raise and discuss the complex issues surrounding child fatalities and

formulate prevention activities. For this collaboration to occur, it is necessary for mandated members to attend and participate in each quarterly meeting.

Additional notes:

- Teams may review the child fatality either concurrently, during an open CPS and/or law enforcement investigation or retrospectively, after the CPS and/or law enforcement investigation is done, but minimally within one year of notification of the child's death.
- CFRTs may choose to prepare Individual Child Fatality Review Reports on SSL §20(5) fatalities they review. Pursuant to SSL §422(4)(A)(w), a CFRT has access to information on pending or indicated CPS reports, whether or not the CFRT is preparing a fatality report, but only has access to sealed, unfounded Child Protective Services (CPS) reports, Foster Care or any Family Assessment Response (FAR) case history where the CFRT is preparing a fatality report.
- SSL §422-b(5) states that "Members of a local or regional fatality review team, persons attending a meeting of a local or regional fatality review team, and persons who presents information to a local or regional fatality review team shall have immunity from civil and criminal liability for all reasonable and good faith actions taken pursuant to this section, and shall not be questioned in any civil or criminal proceedings regarding any opinions formed as a result of an meeting of a local or regional fatality review team. Nothing in this section shall be construed to prevent a person from testifying as to information obtained independently of a local or regional fatality review team or which is public information."

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 prior to 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, which 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 NYS Office of the Attorney General and the NYS Office of the State Comptroller as may be necessary to obtain the approvals of those agencies for the final Contract and 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 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 determination 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 itself for an independent and concurrent evaluation of each part. 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 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 of Proposal

The Administrative Proposal must be separately bound and submitted in a separately sealed envelope. Each offerer will submit its proposal so that update pages can be easily incorporated into the original proposal. The legal name of the organization must appear on the outside front cover of each copy.

B. 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.

C. Index Tabs

The Administrative Proposal must have all major sections labeled with index tabs that completely identify the titles of the major sections as they are named in the table of contents.

D. 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.

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.

Required with bid submission:

A. [MacBride Fair Employment Principles in Northern Ireland](#) (OCFS-2633)

B. [Non-Collusive Bidding Certification Required by Section 139d of the State Finance Law](#) (OCFS-2634)

C. 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)
- *MWBE Equal Employment Opportunity (EEO) Policy Statement Form* (OCFS-3460)
- *MWBE Utilization Plan Form* (OCFS-4631)

D. Additional Submission Requirements:

- [Procurement Lobbying Act – Offerer Certification Form \(OCFS-4822\)](#)
 - [State Consultant Services – Contractors Planned Employment \(AC-3271-S\)](#) (See section 7.15 for more information)
 - Vendor Responsibility Questionnaire (see section 3.2 for questionnaire and more information)
 - 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. No exceptions to Appendix A will be accepted.
- E. [EO 177 Certification \(OCFS-2647\)](#) (See section 7.23 for more information)

5.4 Part II - Technical Proposal

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 Proposal must be separately bound and submitted in a separately sealed envelope. Each offerer will submit its technical proposal so that update pages can be easily incorporated into the original proposal. The legal name of the organization must appear on the outside front cover of each copy.

B. 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.

C. Index Tabs

The Technical Proposal must have all major sections labeled with index tabs that completely identify the titles of the major sections as they are named in the table of contents.

D. 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.

5.4.2 Proposal Content

Proposal Section 1 - *Executive Summary*

The Executive Summary must include:

- The offerer name, address, phone, fax and **email address**;
- The name and contact information of the individual authorized to negotiate the contract that may result from this RFP;
- Whether the proposal is for a local or regional team;
- A statement that all mandated members have committed to the requirements of this RFP
- Number and type of fatalities expected to be reviewed.

Proposal Section 2- *Minimum Qualifications to Propose*

Each applicant must submit the following:

- Letters of Commitment - all Child Fatality Review Team offerers must demonstrate support of the required agencies or disciplines of the participating counties. All mandatory member agencies noted under the required team membership in RFP section 3.1 **must sign an Agency Letter of Commitment** (Attachment B), verifying their agreement to participate on the team as defined in this RFP if the offerer is selected. This *Agency Letter of Commitment* must be signed by the highest-ranking individual in each agency specifying their agreement to actively participate and support the project's mission and identifying the person(s) or position(s) who will participate on the CFRT. General support letters are not acceptable evidence of an agency's commitment to the project. All member agencies will be required to submit an updated *Agency Letter of Commitment* on an annual basis and any time there are changes to the highest-ranking member or team representative.

Proposal Section 3 - *Experience*

Experience/Capacity

- Describe the applicant agency's experience coordinating a child fatality review team; include timeframes, number of fatalities reviewed, number of team meetings, attendance records, prevention activities and spending patterns.
- Describe the applicant agency experience coordinating a team and reviewing fatalities, if any.

- Describe the applicant agency's relationship with other community based providers and local government agencies including specific collaborative projects. Include successes and challenges in coordinating within the county/region.
- Demonstrate the ability to conduct a CFRT meeting a minimum of once every three months (quarterly) and to ensure that all mandatory members are present in person or via phone.
- Describe the applicant agency's experience planning and implementing prevention outreach and education programs.
- Describe how the management of the applicant agency assisted in preparing this proposal and plans for ongoing support.
- Describe the staffing plans for this project including the names, titles and percentage of time each staff will be dedicated to coordination, administration, prevention and other activities; and the funding source for each position dedicated to the project.

Workplan

- Describe the plan for developing and training the team and conducting the first meeting within the first quarter of the contract.
- Explain the expected frequency, location, timing and purpose of the meetings and the activities to be conducted.
- Describe the role of the coordinator and the team members in supporting the CFRT.
- Describe the role of team members and other community partners in planning and preparing this proposal.
- Describe plans for identifying and addressing risk factors and systemic issues.
- Describe plan for identifying and implementing prevention activities and how the activities will reach the targeted community.
- Describe existing community coordination strengths and challenges.

Data

- Provide data regarding the number and type of fatalities that have occurred over the past three years and identify the type and estimated number to be reviewed annually during the contract period.
- Provide information about any contributing factors/trends identified regarding child fatalities over the last three years.
- Describe the system for tracking case information including the specific information that will be tracked and reported.

- Demonstrate plans for entering information from all reviewed fatalities into the NCFRP system within one month of the date that the fatality was initially reviewed by the CFRT.

5.5 Part III - Cost Proposal

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:

- A transmittal letter signed by an individual who is authorized to legally bind the offerer in a contract.
- A completed and signed **Cost Proposal – Non-Grant Budget Template (Attachment A)**. The cost proposal shall comply with the mandatory format and content requirements as detailed in this RFP and in **Attachment A**. Failure to comply with the mandatory format and content requirements may result in disqualification.

Note: Any attachments can be found on the NYS Contract Reporter and the OCFS Website. Please download them from that location, complete them, and attach them back to that section so that they will be submitted with your application.

- Describe the relationship between funds requested and proposed activities. Describe the extent to which expenses are realistic, reasonable, necessary, allowable and justified. For Groups one and two as defined in section 2.2, the budget narrative must clearly define the amount being requested for the local team as well as the additional funding requested for each neighboring county added to the team. This information is entered in the “Budget Narrative” fields in **Attachment A**.
- 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 are described in the budget narrative and for every line item of expense, the specific calculations for determining the total cost of each item is included in the narrative.
- All items covered by OCFS funds are directly related to the provision of services indicated in the proposal.
- All expenses are incurred *within* the contract period.
- All shared costs are prorated and the basis of the proration explained.
- Reimbursement for travel, lodging and mileage costs do not exceed the

state rates currently in effect.

- All amounts listed on the budget summary form reconcile with the relevant budget narrative information.
- The total Funds agrees with the amount requested on the Contract Face Page.

Non-Allowable Costs

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

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

Local Match – None, OCFS will provide the match.

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 OCFS funds.

2. Personal Services – Fringe Benefits

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

Fringe Benefits Narrative:

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

Non-Personal Services (NPS)

Use of MWBEs for Discretionary Purchases

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

NPS Budget Category	MWBE Goal
1. Contractual/Consultant	Discretionary expenses in this category subject to MWBE goal
2. Travel	Non-discretionary - exempt
3. Equipment	Discretionary expenses in this category subject to MWBE goal
4. Supplies	Discretionary expenses in this category subject to MWBE goal
5. Other Expenses	
a. Space/Property (Own)	Non-discretionary - exempt
b. Utilities	Non-discretionary - exempt

c. Operating Expenses	Discretionary expenses in this category subject to MWBE goal
d. Printing Services	Discretionary expenses in this category subject to MWBE goal
e. Other Expenses/Miscellaneous	Discretionary expenses in this category subject to MWBE goal
f. Other Expenses/Miscellaneous – Administrative Expense	Non-discretionary - exempt

Use the DISCRETIONARY BUDGET NARRATIVE WORKSHEET of Attachment B – BUDGET SUMMARY to specify the portion of your NPS budget subject to the MWBE spending goal.

- Provide an explanation for all items excluded from the MWBE spending goal.
- Calculate the amount of the MWBE participation goal to be met based on this total discretionary NPS;

NPS Budget Categories

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

1. Contractual/Consultant Services

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

- Specify the services to be provided and indicate how the cost was determined.
- Delineate between administrative and program cost.
- If an award is made, the contractor must get prior written approval from OCFS for any agreement, or series of agreements, with a single subcontractor that exceeds \$50,000 or 50 percent of the total contract value during the contract term. The contractor must receive such approval prior to executing the subcontract agreement, implementing any activity under its term or expending contract funds under its term. Prior approval is also required for any cost or term amendment to approved subcontracts or as otherwise requested by OCFS. All subcontract agreements, regardless of dollar value, must be submitted to OCFS prior to claim for services being submitted.
- For office or other program space rental or lease include copy of rental or lease agreement and method of cost allocation of space.
- For equipment rentals:
 - Clearly describe item(s).
 - Include model # and specifications if possible.
 - Indicate term and rate of rental.

- Provide a justification for the rental of all equipment by giving a brief description of the program related need supported by OCFS funds.
- Vehicle lease for participant travel, when such travel has been approved by OCFS, must be programmatically justified. A copy of the lease agreement must be provided to OCFS prior to claim payment. Also, the OCFS share of travel expense must be based upon state guidelines; payment cannot exceed the state rates currently in effect.
 - Explain the purpose of the travel.
 - Number of participants.
 - Estimated miles.
 - Frequency of travel (e.g., per day, per week).
 - Be as clear as possible in explanation of need and cost.
 - Show the percentage of time the vehicle will be used by the project and only include requested funds for this percentage.
- If a subcontractor or consultant expense is more than \$15,000, three written bids are required. If you are unable to obtain three written bids, a justification as to price reasonableness is required. If other than the lowest bidder was selected, please provide justification.
- If the consultant/contractor is reimbursed at an hourly rate, the hourly rate and the number of hours must be calculated accurately and be included in the budget narrative.
- Indicate whether consultant's rate includes travel and lodging.

2. Travel

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

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

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

3. Equipment

This section is used to itemize the purchase of equipment.

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

Equipment Narrative: Give a brief description of the program related equipment supported by OCFS 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 other than rental costs. Occupancy costs must be true costs made to a third party, for example, mortgage payment (exclusive of property/school taxes), cleaning costs, snow removal and general maintenance.

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

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

b. Utilities

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

Utilities Narrative: Provide a detailed explanation of all utility costs and how costs here are allocated to this 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 here 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 (3) telephone bids is required showing that the lowest cost source has been used. This information must be provided with the *payment* claim. The state strongly encourages the participation and utilization of minority and women-owned printing firms.
- Program materials printed using these funds must be pre-approved by OCFS.

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

e. Miscellaneous Expenses

- Food and refreshments are not allowable expenses for staff.

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

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

f. Administrative Expense

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

A. For Federally Funded Awards -Not Applicable

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

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

scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000.

- Use of a federally approved indirect cost rate, or the de minimis rate, as described above, if applicable, must be in accordance with all applicable federal rules to include 2 CFR Part 200.

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

B. For State Funded Awards

Total administrative 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 fringes and non-personal services).

- Some common methods of allocating indirect costs are based upon time, space, units of service or percentage of funding.
- All administrative costs must be individually identified

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

6. Discretionary Budget Narrative Worksheet

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

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

5.6 Submission of Proposals

- Proposals must be signed by an individual who is authorized to legally bind the offerer to the provisions of the proposal.
- 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**.
- The Administrative Proposal, Technical Proposal and the Cost Proposal must each be separately bound and submitted in separately sealed envelopes. 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 copy and displayed on the exterior of the packaging:
 - Offerer’s legal name and address
 - Child Fatality Review Team Re-Issue RFP# 2018-21
 - Administrative Proposal, Technical Proposal or Cost Proposal
 - 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 prior to the proposal due date referenced **Section 1.2 Calendar of Events**. LATE PROPOSALS will not be accepted. Email bid submissions are not acceptable and will not be considered.

E. Mail or deliver proposals to:

Director of Contracts
Proposal for RFP # 2018-21 CFRT Re-Issue
Office of Children and Family Services
52 Washington Street
Room 202S – RFP Unit
Rensselaer, NY 12144

- Three hard copies of the Administrative Proposal and one electronic copy on a flash drive (in pdf and MS Word format – must be exact replica of hard copy, including signatures).
- Five hard copies of the Technical Proposal and one electronic copy on a flash drive (in pdf and MS Word format – must be exact replica of hard copy, including signatures).
- Three hard copies of the Cost Proposal and one electronic copy on a flash drive (in fillable pdf format – must be exact replica of hard copy, including signatures)

Proposals must be received by the due date and time identified in **Section 1.2 Calendar of Events**.

- F. 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 bidder's proposal. The bidder agrees that it will 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.
- G. All proposals and accompanying documentation become the property of the State and will not be returned.
- H. Receipt of Proposals As a general rule, late proposals cannot be accepted. However, if permitted by agency policy and if no timely and responsive proposals are received, a late proposal may be accepted. Before accepting

a late proposal, agencies should contact OSC. The agency must certify that proposals were received in accordance with the RFP.

6.0 EVALUATION AND SELECTION METHODOLOGY

Selections will be based on highest to lowest scores in each of the group categories (Group 1, Group 2 and Group 3).

80% of the score will be based on the technical proposal and 20% will be based on the cost proposal.

- Proposals will be rated by a review team of two expert reviewers. Discrepancies of 10 points or more between technical scores will be discussed with the individual reviewers to ensure the evaluation question is understood.
- In addition to the criteria described above, tied scores will be determined based on equitable geographic distribution in accordance with **Attachment C – OCFS Regional Map**. If proposals are still tied, the county with the highest number of fatalities reviewed in 2016 will be selected for an award.

Experience (25 points)

- The applicant agency has had successful experiences developing, coordinating and maintaining a CFRT.
- The applicant has had successful experience coordinating a team.
- The applicant has had successful experience implementing prevention activities.
- The applicant identifies sufficient management and staff positions to provide all goods and services required in this RFP.
- The applicant demonstrates positive community linkages.
- The applicant demonstrates support of all required team members.

Workplan (40 points)

- There is a viable plan for training and developing the team and for conducting the first meeting within the first quarter.
- The applicant demonstrates the capacity to coordinate the required number of meetings and for ensuring required attendance and participation.
- The role of the coordinator and team members will support the outcomes described in the RFP.
- Community members participated in the design of the proposal.
- There are realistic and comprehensive plans for identifying and addressing risk factors and trends throughout the contract period.
- There are realistic and comprehensive plans for identifying and implementing prevention activities, including safe sleep outreach and education. Activities will be designed to reach the targeted community.

- There are strong existing community linkages and/or a recognition of challenges that are surmountable.
- Offerer applied as the lead in only one application from the county.

Data (5 points)

- There is a realistic plan for accurately tracking data.
- There are dedicated resources to maintaining data in the local and NCCDR data base.
- The number and type of fatalities occurring over the last three years justifies the need for the CFRT.
- The trends identified supports the need for the CFRT.

Bonus Points (up to 10 points)

- Has an approved OCFS CFRT and is applying to add one or more counties as a regional team (10 points), **or**
- Has never had an OCFS CFRT and is applying to start a new CFRT regional team (10 points)

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 **80%** of a proposal’s total score and the information contained in the Cost Proposal will be weighted **20%** 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

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.

All proposals will undergo a Preliminary Technical Evaluation to verify **Minimum Qualifications to Propose (Section 3.0)**.

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 20 points within each of the three groups as defined in section 2.2. and by regional and local.

For Groups 1 and 2 the cost score will be normalized to make adjustments for the number of counties being utilized by regional teams.

After taking the normalization into account, if applicable, the maximum cost score for each group will be allocated to the proposal with the lowest all-inclusive not-to-exceed maximum price. All other responsive proposals in that group 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 = 20 potential points x (Lowest Cost Proposal / Cost of Proposal Being Evaluated).

6.5 Preliminary Composite Score

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

6.6 Interviews

Not Applicable.

6.7 Reference Checks

Not Applicable.

6.8 Final Composite Score

A final composite score will be calculated by the OCFS RFP Unit by adding any other applicable sources of points to the preliminary composite score.

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, request for proposal, single/sole source, etc.)
6. "Protesting party" is the party who is filing a protest to the bid, contract award or other aspect of procurement.

7. "Formal protest determination" shall mean the determination of a formal protest by the deputy commissioner for financial management of OCFS or his or her designee.
8. "Decision after appeal" shall mean the decision on the appeal of a formal protest by the executive deputy commissioner of OCFS or his or her designee.

C. Debriefing Request

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

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

D. Formal Protest and Appeal Procedure

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

A. Submission of Bid or Award Protests

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

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

B. Review and Formal Protest Determination

1. Formal protests must be filed with the OCFS deputy commissioner for financial management. Any protests filed with the OCFS program division responsible for the procurement will be forwarded to the deputy commissioner for financial management. Copies of all formal protests will be provided by the deputy commissioner for financial management to the OCFS Division of Legal Affairs and other necessary parties within OCFS, as determined by the deputy commissioner for financial management.
2. Formal protests shall be resolved through written correspondence; however, either the protesting party or OCFS may request a meeting to discuss a formal protest. Where further formal resolution is required, the program division responsible for the procurement may designate a state employee not involved in the procurement ("designee") to determine and undertake the initial attempted resolution or settlement of any formal protest.
3. The OCFS program division responsible for the procurement will conduct a review of the records involved in the formal protest, and provide a memorandum to the deputy commissioner for financial management 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.
4. The OCFS deputy commissioner for financial management or his or her designee shall hear and make a formal protest determination on all formal protests. A copy of the formal protest determination, stating the reason(s) upon which it is based and informing the protesting party of the right to appeal an unfavorable decision to the OCFS executive deputy commissioner, shall be sent to the protesting party or its agent within thirty (30) business days of receipt of the formal protest, except that upon notice

to the protesting party such period may be extended by OCFS. The formal protest determination will be recorded and included in the procurement record, or otherwise forwarded to the OSC.

C. Appeal of Formal Protest Determination

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

D. Reservation of Rights and Responsibilities of OCFS

1. OCFS reserves the right to waive or extend the time requirements for protest submissions, decisions and appeals herein prescribed when, in its sole judgment, circumstances so warrant to serve the best interests of the State.
2. If OCFS determines that there are compelling circumstances, including the need to proceed immediately with contract award and development of final contracts in the best interests of the state, then these protest procedures may be suspended and such determination shall be documented in the procurement record.
3. OCFS will consider all information relevant to the protest, and may, at its discretion, suspend, modify, or cancel the protested procurement action, including solicitation of bids, or withdraw the recommendation of contract award prior to issuance of a formal protest decision.
4. Unless a determination is made to suspend, modify or cancel the protested procurement action, or withdraw the recommendation of contract award, OCFS will continue procurement and contract award activity prior to the formal protest determination. The receipt of a formal protest will not otherwise stop action on the procurement and award of the contract(s) or on development of final contracts.
 - a. The procurement record and awarded contract(s) will be forwarded to OSC, and a notice of the receipt of a formal protest and any appeal will be included in the procurement record. If a formal protest determination, or a decision after appeal, has been reached prior to transmittal of the procurement record and the contract(s) to OSC, a

copy of the formal protest determination or decision after appeal will be included in the procurement record and with the contract(s).

- b. If a formal protest determination or decision after appeal is made after the transmittal of the procurement record and contract(s) to OSC, but prior to OSC approval, a copy of the formal protest determination or decision after appeal will be forwarded to OSC when issued, along with a letter either: a) confirming the original OCFS recommendation for award(s); b) modifying the proposed award recommendation; or c) withdrawing the original award recommendation.
- All records related to formal protests and appeals shall be retained for at least one (1) year following resolution of the formal protest. All other records concerning the procurement shall be retained according to the applicable requirements for records retention.

E. Section 6: Appeal to the Office of the State Comptroller

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

Prior to submitting a bid, an offerer is responsible for various verifications which 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

<http://osc.state.ny.us/vendors/epayments.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) before any work may begin or any payments are made on such contracts. Upon contract award and completion of negotiations, OCFS will send successful awardees the complete contract for development and signature prior to submitting it to the OAG and to OSC for approval.

7.3 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 the [Contract Management System \(CMS\) User Authorization Form \(OCFS-4821\)](#) 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 in to 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. In the event that an award is made from this RFP, updated proof of coverage must be provided during contract development. Failure to submit the proof will delay the contract development process, and may result in the award being rescinded. Municipalities are not required to show proof of coverage.

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

A. Proof of Workers' Compensation Coverage

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

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

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

B. Proof of Disability Benefits Coverage

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

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

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

OCFS is responsible for maintaining the safety of the youth served by OCFS programs. New York State law requires that any client identifiable information be kept confidential. Any contractor who will provide goods and/or services to a residential facility or any program-operated by OCFS where employees and volunteers have the potential for regular and substantial contact with youth in the care or custody of the commissioner of OCFS or who will be provided with confidential information of recipients served by OCFS programs must require all its employees and volunteers to complete and sign the [Confidentiality Non-Disclosure Agreement \(OCFS-4715\)](#) and [Contractor Employee and Volunteer Background Certification \(OCFS-4716\)](#) forms. These forms must be completed before any such employees and/or volunteers are permitted access to youth served by OCFS, and/or any financial and/or client identifiable information concerning such youth. **The forms should be completed after the bidder has been awarded funding, during the contract development, as directed by OCFS.** For additional information see Appendix A-1, **Section 7 Confidentiality and Protection of Human Subjects**, located at the link to a standard contract listed in section 7.2 above.

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

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

7.6.1 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 Minority and Women-owned Business Enterprises (“MWBEs”) 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% for MWBE participation, 15% for New York State-certified Minority-owned Business Enterprise (“MBE”) participation and 15% for New York State-certified Women-owned Business Enterprise (“WBE”) participation (based on the current availability of MBEs and WBEs). A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, the respondent agrees that OCFS may withhold payment pursuant to any Contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how OCFS will evaluate a Contractor’s “good faith efforts,” refer to 5 NYCRR § 142.8.

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

7.6.3 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 MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

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

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

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

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

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

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

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

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

The successful respondent will be required to submit a quarterly M/WBE Contractor Compliance & Payment Report to OCFS, by the 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 submission of a bid or proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of Appendix A – Standard Clauses for All New York State Contracts including Clause 12 - Equal Employment Opportunities for Minorities and Women]. The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The respondent will be required to submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement, as referenced in **Section 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 a Workforce Utilization Report, in such format as shall be required by OCFS on a quarterly basis during the term of the Contract.

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

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing

genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

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

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

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

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

7.8 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 ESD business enterprises, including certified minority/women-owned businesses; or
 - Contacted ESD to obtain listings of New York State business enterprises and MWBEs; or
 - Placed notices for subcontractors and suppliers in newspapers, journals or other trade publications distributed in New York State, or
 - Participated in bidder outreach conferences; and
 - Provided a statement indicating the method by which they determined that New York State business enterprises are not available to participate on the contract as subcontractors or suppliers, *if the contractor has determined such*; and
 - Provided a statement verifying no intention of using subcontractors, *if the contractor has no such intention*.
3. The contractor has complied with the *Federal Equal Opportunity Act of 1972* (P.L. 92-961), as amended.
4. The contractor will be required to notify New York State residents of employment opportunities by listing any such positions with the Community Services Division of the New York State Department of Labor, providing for such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The agency agrees to document these efforts and to provide said documentation to OCFS upon request.
5. Bidders located in a foreign country are notified that the state may assign or otherwise transfer offset credits to third parties located in New York State, and the bidders shall be obligated to cooperate with the state in any and all respects in making such assignment or transfer, including, but not limited to, executing any and all documents deemed by the state to be necessary or desirable to effectuate such assignment or transfer and using their best efforts to obtain the recognition and accession to such assignment or transfer by any applicable foreign government.
6. Bidders are hereby notified that state agencies and authorities are prohibited from entering into contracts with businesses whose principle

place of business is located in a “discriminatory jurisdiction.” Discriminatory jurisdiction is defined as a state or political subdivision which employs a preference or price distorting mechanism to the detriment of or otherwise discriminates against a New York State business enterprise in the procurement of commodities and services by the same or a nongovernmental entity influenced by the same. A list of discriminatory jurisdictions is maintained by the Commissioner of the New York State Empire State Development Corporation.

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

In the event the selected offerer’s proposal includes services provided by another firm, 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 contact with regard to all provisions of the contract resulting from this RFP. Should a bidder wish to subcontract its responsibilities under this solicitation, OCFS requires its contractors to obtain approval from OCFS prior to subcontracting.

7.11 Multi-Agency Use

The contract entered into pursuant to an award resulting from this RFP shall contain a provision which 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

http://www.tenant.net/Other_Laws/Pubofc/puboftoc.html.

7.13 Office of Information Technology Services

Prior to 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 or not 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 so registered in accordance with the 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 [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 NYS 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

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.

- 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 NY 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 31st of each year. To comply with the annual reporting requirement, state contractors must complete Form [AC-3272-S NY State Consultant Services – Contractors Annual Employment Record](#). The form must be submitted by April 30th of each year to the following offices:

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

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

New York State Department of Civil Service
Alfred E. Smith Office Building
Counsel's Office, 8th Floor
80 South Swan Street
Albany, New York 12239

7.16 Application Development or Programming

Any web-based intranet and internet information and applications development, or programming delivered pursuant 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 person 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 Federal Funds

Not Applicable.

7.18 Summary of Forms Required After Award and Prior to 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. [Project Staffing Plan Form \(OCFS-4629\)](#) (See [Appendix MWBE](#) for more information)
4. [MWBE – Equal Employment Opportunity Policy Statement \(OCFS-3460\)](#) (See [Appendix MWBE](#) for more information)
5. [OCFS-4631 – MWBE Utilization Plan Form \(OCFS-4631\)](#)(See [Appendix MWBE](#) for more information)
6. [Procurement Lobbying Act – Offerer Certification Form \(OCFS-4822\)](#)
7. [State Consultant Services – Contractors Planned Employment \(AC-3271-S\)](#) (See **Section 7.15** for more information)
8. [ST-220-TD](#) (NYS Tax Department Form) Contractor Certification (**if applicable**) (See **Section 7.14** for more information)
9. [ST-220-CA](#) (NYS Tax Department Form) Contractor Certification to Covered Agency (**if applicable**) (See **Section 7.14** for more information)
10. [Contractor Employee and Volunteer Background Certification \(OCFS-4716\)](#) (**if applicable**) (See **Section 7.5** for more information)

11. [Confidentiality Non-Disclosure Agreement \(OCFS-4715\)](#) (if applicable)
(See **Section 7.5** for more information)
12. [Contract Management System \(CMS\) User Authorization Form\(OCFS-4821\)](#) (See **Section 7.3** for more information)

7.19 Summary of Forms Required During Contract Term

1. [MWBE Quarterly Report Form \(OCFS-4441\)](#) (See [Appendix MWBE](#) for more information)
2. [State Consultant Services – Contractors Annual Employment Record \(AC-3272-S\)](#) (See **Section 7.15** for more information)

7.20 Appendix A - Standard Clauses for NYS Contracts

The Proposer has read, understands, and accepts all provisions of Appendix A – Standard Clauses for NYS 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/bcm/Non-Grant-Contract-Template.pdf>.

7.21 Executive Order Number 38

Executive Order Number 38 sets Limits on State-Funded Administrative Costs & Executive Compensation. Contracts, payment requests and reporting must comply with the regulations promulgated pursuant to this Executive Order. The Order can be found at the following website address: <http://executiveorder38.ny.gov/>

7.22 Executive Order Number 175 (if applicable)

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

contract, the prohibition against blocking or throttling of internet content or applications does not apply to reasonable network management practices.

7.23 Executive Order Number 177

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

Please see the following attachments to this RFP, which are available on the OCFS website (<http://ocfs.ny.gov/main/bcm/rfp.asp>) and the NYS Contract Reporter website at (<https://www.nyscr.ny.gov/login.cfm>)

Attachment A – Cost Proposal – Non-Grant Budget Template

Attachment B – Agency Letter of Commitment

Attachment C – OCFS Regional Map