

Agency Overview

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

This mission statement continues to guide OCFS' administration of over \$3 billion in public funds aimed at meeting its multiple service delivery responsibilities. In addition to directly providing services, OCFS funds and supervises local departments of social services (LDSS), youth bureaus, child care programs and community and voluntary agencies in directly providing or collaborating with other agencies to provide a wide range of developmental, preventive and remedial support to the clients we serve.

OCFS is also responsible for the supervision and administration of various community and local government delivered programs as well as provides these programs with grant funding. However, regarding these community based and local municipal entities (i.e., LDSS), OCFS is only entitled to give direct and specific instructions with regard to purely procedural matters, such as reporting requirements, or when an underlying federal directive or state statute authorizes the instruction. In terms of procurement, LDSS are responsible for complying first with federal procurement rules (if the purchase will be federally funded) and applicable state statutes (e.g., with General Municipal Law and the Local Finance Law).

Description of Procurement Strategy

OCFS requires that minority and women-owned businesses be given an equal opportunity to participate in the bidding process and to receive equal consideration as potential contractors, subcontractors and/or vendors to our agency and its contractors.

OCFS utilizes the standard Appendix A in all for-profit and not-for profit State contracts which contain the provision that contractors will not discriminate against employees and/or employment applicants because of race, color, age, sex, marital status, religious creed, mental or physical disabilities, and/or sexual orientation. New bid proposals for State contracts also contain this provision. Contractors are required to undertake or continue existing affirmative action programs ensuring that minorities and women are afforded equitable employment opportunities, including good faith efforts to solicit active participation by New York State Certified Minority and Women Owned Businesses (MWBEs).

OCFS has developed a standard, agency-wide RFP/Contract online procedures manual which familiarizes and assists program staff, especially contract managers, with affirmative action and MWBE requirements and policy. This enhancement gives managers/program staff and staff in the Office of Equal Opportunity and Diversity Development (EODD) increased opportunities to expand MWBE participation and utilization. In this manner the agency is able to monitor compliance with state and federal laws, regulations and directives governing minority and women-owned business development.

The agency's executive staff, managers, supervisors and other employees are encouraged to seek guidance from EODD in the development and implementation of all programs within their jurisdiction to ensure that affirmative action and MWBE commitments are implemented and that the programs provide an environment free of discrimination.

Although we don't have direct responsibility over their procurement, OCFS is committed to encouraging Not for Profit organizations (NFP's) and LDSS to increase the participation of MWBEs in their contracting opportunities.

OCFS will continue outreach efforts attempting to both inform and prepare M/WBEs to respond as bidders for OCFS contracts. OCFS will also increase contact with businesses and organizations identified as minority or women-owned on our current bidders list through issuance of bid notices. Additionally, OCFS will use outreach efforts as an opportunity to interest new, prospective bidders for awards by recruiting candidates not only from traditional business sources, i.e. minority/women organizations, but from state agencies similar to our own and from local Chambers of Commerce in the major urban centers throughout the state.

Agency-Specific Goals

Goals

- a. Projected Total Agency Budget: \$1,729,353,560 (cash budget, not appropriation)
- b. Projected Exempt Contracts and Expenditures: \$1,695,859,528
- c. Available Budget for Goals (line "a" less line "b"): **\$33,494,032**

- d. Overall MBE/WBE Goal: 20%
MBE: 8%
WBE: 12%

- e. Total Commodities Percentage
 - 1) Projected Prime Percentage: 10%
 - 2) Projected Subcontractor Percentage: OCFS does not, at present, track this information.

- f. Total Consultant Services Percentage
 - 1) Projected Prime Percentage: 10%
 - 2) Projected Subcontractor Percentage: OCFS does not, at present, track this information.

- g. Total Construction Percentage
 - 1) Projected Prime Percentage: N/A
 - 2) Projected Subcontractor Percentage: N/A

- h. Total Professional Construction Services Percentage
 - 1) Projected Prime Percentage: N/A
 - 2) Projected Subcontractor Percentage: N/A

- i. Total overall percentage
 - 1) Projected Prime Percentage: 20%

2) Projected Subcontractor Percentage: OCFS does not, at present, track this information.

Justification of Agency Specific M/WBE Goals:

As noted in our budget information, the majority of our agency's dollars are spent with NFP's and LDSS. These organizations by their nature are not able to be classified within the definition of MWBE's yet they are the main conduit by which OCFS delivers and or procures essential services to our service populations. OCFS understands its authority to set goals on NFP subcontracting activities and is in the process of developing an accurate data and tracking system to accomplish this task. OCFS also hopes that the new Statewide Financial System will at some time in the future be of assistance in the reporting of accurate data for discretionary funding and those dollars that are contracted with MWBE's.

It is our intention to improve our efforts to track and capture subcontracting opportunities through dollars expended by NFP's and LDSS which currently we are not able to. We will continue to work with our sister human service agencies to take advantage of their best practices to increase opportunities for MWBE participation.

The construction related procurements over which OCFS maintains discretionary authority (procurements under \$50,000, as defined by Article 15A) do not make up a significant percentage of our Available Budget for Goals (see line b.). Consequently OCFS has not historically identified specific M/WBE goals on these procurements but has made every effort to utilize the Empire State Development Corporation's Directory of Certified Minority and Women Owned Businesses to recruit contractors for these discretionary purposes. OCFS is committed to identifying M/WBE's that meet our needs, and increasing our utilization of M/WBE's across all procurement categories.

Exclusion List

Contract Type	Dollar Amount
1. Multi-year contracts (See attached itemization [Attachment #14])	\$2,621,180
2. Training Contracts (See attached itemization [Attachment #15])	\$2,160,733
Total Exclusion Amount	\$4,781,913

Although we have identified MWBE's that offer training services through the Directory of Minority and Women Owned Businesses, we have not had success in identifying MWBE's that offer training that meets our highly specified and largely unique training needs as an agency (including, but not limited to CONNECTIONS, Child Care and Subsidy, Child and Adult

Protective Services, Domestic Violence, Crisis and Intervention, and Mandated Reporter Training).

Boilerplate Language

Please see attached.

Attachment #1: Appendix A

Attachment #2: Appendix A1

Attachment #3: Appendix B

Attachment #4: Grantee Provider Manual

Attachment #5: Implementation of Affirmative Action

Attachment #6: Training and Administrative Activities Project Operations Manual

Agency M/WBE Operations/Organizational Chart

Please see attached.

Attachment #7: Agency Organizational Chart

Attachment #8: MWBE Responsibility Flow Chart

Equal Opportunity and Diversity Development

OCFS's M/WBE program is an agency-wide initiative, but administrative coordination is chiefly housed in EODD. OCFS' Director of EODD (Affirmative Action Administrator 4, G-27) and Affirmative Action Administrator I (G-18) (located within EODD) work with staff in the Bureaus of Contract Management, Budget Management, Financial Operations, the Division of Information Technology (IT), and OCFS' facility managers to identify and increase procurement opportunities with M/WBEs. OCFS' M/WBE program's mission is to afford certified M/WBEs the opportunity to compete for OCFS' procurement of goods and services and to take appropriate steps to identify and remove barriers to full participation.

Budget Management

The Bureau of Budget Management is responsible for coordinating and directing all activities related to the preparation of OCFS annual budget submission including State operations, local assistance, capital projects and federal funds. The Bureau is also responsible for allocating and monitoring agency resources in accordance with the enacted budget and managing federal funds received by the agency. The Bureau oversees the rate setting unit, which includes developing per diems for various levels of residential care for State-operated facilities and calculating maximum state aid rates for voluntary foster care agencies, committee on special education schools and domestic violence programs.

Contract Management

The Bureau of Contract Management (BCM) oversees the bidding, processing, payment and monitoring of all OCFS contracts. OCFS relies on contractors to assist in carrying out the Agency's mission, and must be able to maintain the contracting standards as required and

regulated by the Office of the State Comptroller (OSC) and mandated by State Finance Law and federal agencies. BCM acts as the liaison between the OCFS program bureaus and both the Attorney General's Office (AG) and OSC. BCM staff work with program area staff to develop and issue procurements and related evaluation documents that meet the State's procurement guidelines; identify the appropriate contract provisions to include in each contract document; review the information and forms submitted by program staff based on their negotiations of contract budgets and deliverables with the contractors; submit the contracts for signature and AG/OSC approval; and review and approve contract payments. OCFS awards provide funding for projects through providers that meet critical and otherwise unmet needs for children and families. These contracts provide crisis intervention, information and referral, counseling, and other supportive social services. The bureau is broken into two functional areas, which manage all of the agency's purchasing and contracting activities.

1. **Administrative/Facility Purchasing:** this unit supports home office, regional office and facility purchasing necessary for the operation of the agency. This includes such items as equipment, supplies, furniture, food, and fuel. The unit is responsible for maintaining that all agency purchases are made consistent with State and Federal procurement rules and regulations. This unit processes contracts for services such as technology contracts that include hardware, software, and consultants, building leases and equipment maintenance.
2. **Service Provider and Legislative Contracts:** this unit supports OCFS program areas with implementation of program initiatives through contracts and is responsible for the processing of all legislative member items assigned to the agency. Responsibilities include assisting program with RFP development, procurement scheduling and contract development. The unit is responsible for processing and tracking all agency contracts for the appropriate approvals and acts as the liaison with OSC regarding contract approval issues.

Financial Operations

The Bureau of Financial Operations coordinates and directs all fiscal operations of the agency. The bureau is the liaison with the federal government for claiming, cost allocation and reporting on the disbursement of federal funds. The bureau is also the primary liaison with OSC regarding payments, reports and contract processing. The bureau also manages the criminal history review unit for foster and adoptive parents, as well as child day care workers.

OCFS has established procedures and policies which govern and direct its procurement of goods and services and comply with state purchasing laws and policies (See Attachment #9, OCFS Contracting Process Manual [Table of Contents] and Article 15A/MWBE section).

Information Technology

The Division of Information Technology participates in the tracking and reporting of MWBE efforts. IT compiles and reports MWBE utilization in Purchasing (as opposed to contract procurements). At a later point in time, IT combines data from Purchasing systems and Contract

systems (the latter provided by BCM) in the format required by the Division of Minority and Women Business Development for the submission of quarterly MWBE utilization reports.

Contact Information for OCFS M/WBE Program Oversight

G. Bennett Marion, Sr.

Director, Equal Opportunity and Diversity Development

Phone number: (518) 474-3715

Email address: bernett.marion@ocfs.state.ny.us

Role: MWBE Program Manager for the Agency; monitors Agency efforts and ensures compliance with Article 15-A.

Nicole Keith

Affirmative Action Administrator, Equal Opportunity and Diversity Development

Phone number: (518) 474-3715

Email address: nicole.keith@ocfs.state.ny.us

Role: Day-to-day programmatic and outreach responsibilities including participation in MWBE forums and seminars, responding to internal and external inquiries, assisting MWBE's in developing business opportunities with OCFS, mediating complaints and overall program monitoring of the agency's MWBE efforts.

Jim Spoor

Director, Bureau of Contract Management

Phone number: (518) 486-7224

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Richard Dimezza

Contract Management Specialist 3, Bureau of Contract Management

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Outreach Efforts

OCFS participates in a number of community and business events in order to reach potential qualified vendors for State/OCFS contract opportunities. Somos El Futuro, the Black, Puerto Rican, Hispanic, and Asian Legislative Caucus, African American Family Day, and the U.S. Small Business Administration Matchmaker and Expo are events which the agency participates in on a regular basis. OCFS encourages staff from different bureaus throughout the agency to attend these and other events, in order to best represent their bureau's needs directly to the vendor community.

In order to share best practices and stay current with MWBE legislation, OCFS is involved in the Affirmative Action Advisory Council's MWBE subcommittee, and participates in OGS and Human Services Cluster Group MWBE events that are held throughout the year.

OCFS has historically, and continues to encourage vendors that identify themselves as MWBE's but are not NYS Certified MWBE's to apply for Certification through Empire State Development's Division of Minority and Women Business Development.

Standardized Forms

Please see attached.

Attachment #10: Bidder Identification Form

Attachment #11: Subcontracting Utilization Form

Attachment #12: MWBE Subcontractors and Suppliers – Letter of Intent to Participate

Attachment #13: Equal Opportunity and Diversity Development Proposal Checklist and Signoff