**REQUEST FOR PROPOSALS**

**FOR TRAINING SERVICES**

**Child Welfare Training and Technical Assistance**
**Solicitation #1403**
**Issued on October 21, 2014 by:**

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

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**On-Line Bidder's List**

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

# Background, Requirements and Instructions

## Note:

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

## INTRODUCTION

### 1. Purpose of the Request for Proposals

Effective management of the child welfare system requires continuous efforts to achieve safety, permanency, and well-being goals for children. Through training and technical assistance, caseworkers, supervisors, attorneys, administrators and family court personnel will develop the knowledge, skills and abilities to overcome local obstacles to permanency and to promote child safety and well-being. This project will focus on supporting local districts and agencies to align their organizations and services with the Office of Children and Family Services (OCFS) Division Of Child Welfare and Community Services (CWCS) model of practice and model of supervision so that management, organizational, legal, supervisory and casework practices, and legal issues to reduce obstacles to permanency planning for children in foster care, and to promote child safety and well-being.

The contractor will work with subject area expert consultants, local social services district staff, voluntary agency/residential facility child care staff, other community service providers, representatives from the family court, youth bureaus, probation, foster and adoptive parents, Office of Children and Family Services (OCFS) Home and Regional Office staff, OCFS program, policy and legal staff and Bureau of Training and Development (BTD) staff to perform the activities included in this project. This project will also enable OCFS, local departments of social service, and voluntary agencies to meet state and federal practice standards for child welfare.

Following are the OCFS expectations of the training services provider:

- Procure consultant services as necessary and oversee the delivery of training and technical assistance through consultants; the consultants will be content and technical experts who will work with OCFS Regional Office staff, OCFS program, policy, and legal staff and local district staff to improve management, organizational skills, child welfare supervision, child welfare casework practice and collaboration among local districts, family court and the legal system.

- Work closely with OCFS BTD and CWCS staff to develop and provide an appropriate administrative arrangement to respond effectively and efficiently to the needs identified at the local level. An appropriate arrangement would include frequent telephone, fax and e-mail communications between and among OCFS program, policy and legal staff, local

districts/agencies, consultants and the contractor. In addition, a quarterly and an annual accounting of consultant activities are required.

- As required, develop training and policy manuals.

- As requested by OCFS, develop training and conference materials, organize training conferences as needed.

- The vendor will provide financial analysis and research support to the Office of Children and Family Services. These technical services will assist with the research necessary to enable OCFS to take maximum advantage of the federal and state funds available to support both the delivery of services and training to improve those services.
- The hallmark of this project is the flexibility to respond to emerging needs with timeliness and accuracy.

The term of the contract will be defined in the Contract Agreement, but is anticipated to begin 3/31/2015 and end on 3/30/2020 and will reflect a dollar amount anticipated to be made available to the contractor over the total contract term. The anticipated initial period will be from 3/31/15 through 3/30/16, with four (4) one-year renewal options. Work is not guaranteed as a result of a contract award. Annual funding will be contingent upon program needs, funding availability and contractor performance. The work agreement resulting from this procurement is renewable at OCFS' discretion.

Prospective bidders should note that, while there are a number of proposal review criteria, the proposal cost is a significant factor. Bidders should carefully consider how to prepare budgets that will support quality training services meeting the standards of the Bureau of Training and Development (BTD) as economically and competitively as possible. There is a pre-set maximum bidding amount for the project described in this procurement. The maximum annual contract total is $917,330. Proposals containing a total annual amount greater than the maximum will be considered non-responsive. Please note that OCFS reimburses training contract vendors at a maximum of 95% of the total contract value. As additional background, in 1979 the New York State Department of Social Services (predecessor of OCFS) was approved by the federal Bureau of Budget Management and Administration to assess its training providers (vendors) a percentage of gross contract costs and to use those funds for training contract management and administration. The rate is currently set at 5%. This percentage is an administrative charge levied by the state against the vendor as a deduction to their monthly expenditure claims.

This contract/work plan is supported in part by funding from Title IV-E of the Federal Social Security Act. The vendor must adhere to all applicable rules and guidelines regarding administrative activities and DAB 1666 reporting requirements. Each funding source has its own set of rules and procedures. Each vendor is responsible for being knowledgeable concerning the applicable Federal and State requirements and procedures.

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

**Bidders should read this entire procurement document and access all required forms and**

**reference documents prior to preparing and submitting proposals.**

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

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

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

BTD also provides training for the staff of local social services districts, the staff of residential child care agencies, licensed and registered day care providers, and foster and adoptive parents. BTD provides this training through a combination of direct training using its own staff and contracts with educational institutions or other not-for profit organizations with demonstrated expertise in developing and conducting training in human services delivery.

## 3. OCFS Statewide Considerations

The mission of OCFS is to serve New York's public by promoting the safety, permanency and well-being of our children, families and communities. OCFS effectuates results by setting and enforcing policies, and building partnerships at the federal, state, county and community levels which 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, day care, adult protective, and services for the blind.

OCFS conducts ongoing analysis of demographic data and fiscal expenditures to aid counties and communities in administering safe, effective and cost efficient services to the residents of our state. Paramount is ongoing self-assessment within "the system" to identify changes in service needs, interventions, and partnerships. An emerging trend in OCFS data reveals that many children and families who are involved with the child welfare and juvenile justice systems in New York State are disproportionately black and Latino and many are poor. For the blind service area, black and Latino adults are under-represented in the receipt of services from the blind service network. In response to this situation, OCFS has begun to implement various activities to:

- Assess relevant data;
- Identify which communities across the state are affected;
- Identify evidence based and/or best practice strategies and/or approaches which can be replicated in New York State to respond to the issue; and
- Provide funding to designated high need communities to facilitate implementation of programs and services which address disproportionality and disparity rates.

This Request for Proposals (RFP) provides OCFS and localities an opportunity to provide services to our most vulnerable children and families, and to implement activities that address disproportionality in identified communities. OCFS will invest in services which are culturally and linguistically competent, cost efficient, and contribute toward alleviating issues identified for the respective communities. Organizations that are interested in applying for OCFS funding are, therefore, encouraged to review their community's demographic data (i.e., child welfare and juvenile justice), and as indicated and where deemed appropriate per the target population and/or scope of services for the funding source, consider the following element(s) in their proposal design:

**a) Disconnected / High Need Youth**

OCFS's priority is to "protect those in greatest need" by on-going assessment and enhancement of services which promote safety and general wellbeing for at-risk children, adolescents, families and adults. This priority includes targeting services for "disconnected/high need youth" who are: youth aging out of foster care; youth in, or re-entering the community from the juvenile justice system; and children of incarcerated parents. Grant applications which propose to serve the "disconnected/high need youth" population must consider that the clients cited above often require service intervention from multiple service systems. Where required by OCFS RFP narrative, applications must demonstrate capacity and scope for cross-agency collaborations and partnership with relevant community organizations.

**b) Racial Equity and Cultural Competence**

OCFS is in its seventh year of Racial Equity and Cultural Competence (RECC) work. Efforts to address RECC includes examination of the issues related to the overrepresentation of black, Latino and Native American children and their families in the state's child welfare and juvenile justice systems. It also entails a consideration of issues related to the under-representation of blacks, Native Americans and Latinos in various forms of service delivery to identify how best to enhance outreach and preventive measures that support the safe reduction in out-of-home placements for children and adults, and focus on the wellbeing of children, youth and families. OCFS has enlisted the participation of our state and local partners in this effort, and is working actively with 13 counties to examine local data and develop strategies to address, reduce and ultimately eliminate racial and ethnic disparities, and to seek equity within the systems of care and custody. We continue to partner with national experts Casey Family Programs, and have also collaborated with the Center for the Study of Social Policy (CSSP) and other national experts dedicated to this work. The effort must be data driven, and therefore we have generated and shared county level data with partners and stakeholders in our effort to encourage transparency and collaboration.

Current OCFS statewide data indicates that black and Latino children and families continue to comprise 75 percent of the state's children in foster care and about 85 percent of the juvenile justice placements. OCFS views this Request for Proposals as an opportunity to heighten public awareness of the issue of disproportionality and to begin to promote policies and practices that will gradually reduce it. Specific areas that every applicant and community are requested to consider in the design of their program and

scope of services identified in their application for OCFS funding include, but are not limited to:

- Providing service strategies, approaches, and linguistic capacities that promote the delivery of services that are culturally competent and reflective of the population and community to be served;
- Collecting and analyzing data relevant to disproportionality and service provision;
- Strategically locating services within communities, to promote better access to service delivery in high-need areas; and
- Promoting cross-agency dialogue and partnership regarding service planning to address disproportionality (including but not limited to: social services, mental health, health, education, housing, substance abuse, probation agencies, and community-based providers).

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

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

The Eligible Target Population: OCFS Regional and local department of social services (LDSS) staff, provider agency staff, foster and adoptive parents and representatives from family court.

## 5. Minimum Qualifications – Eligible Applicants

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

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

Only private not-for-profit organizations and public organizations are eligible to submit proposals in response to this procurement as follows:

**a) Private Not-for-Profit Organizations**

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

The governing board (board of directors) of a not-for-profit corporation must have a minimum of five members at the time of proposal submittal. OCFS has determined that a five member board is necessary to show the maturity and depth of the organization as

well as the capacity of the organization and the board to properly provide services and oversee the administration of the grant. The added board members show that the organization has a broad base of community support, and enhance the ability of the board to comprehensively oversee the functions and activities of the organization. The additional board members also protect against the problem that can arise when a board member unexpectedly leaves the board, as the Not-for-Profit Corporation Law requires that a not-for-profit corporation have at least three board members. The extra board members enable the corporation to continue to function properly under the law in the interval between the departure of a board member and the appointment of a replacement.

**b) Public Entities**

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

## 6. Proposal Evaluation and Selection Process

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

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

Only proposals judged to be responsive to the submission requirements set forth in this RFP will be evaluated.

A committee of OCFS employees will evaluate each responsive proposal for items A – D below.

Other OCFS staff members will evaluate all cost proposals from responsive Proposers. The proposal with the lowest total fee on the Cost Proposal submission will be awarded the maximum of 25 possible points. The remaining proposals will receive a proportional score derived from the following formula: (Lowest Cost Proposal/Proposal Being Scored) *25. Up to another five points will be awarded based on the quality and completeness of the cost proposal, supporting documentation, and submission of required forms. Each of the cost proposal points will be added to the score from the Evaluation Team for items A-D.

Scores from each of the Proposers, including items A-E, will be totaled and the Proposer having

the highest score ranked number one; the Proposer with the second highest total score will be ranked number two and so on. In the event of a tie, the proposal with the lowest cost will be awarded.

a) **PROPOSER EXPERIENCE (20%)**
Each Proposal will be evaluated as to the quality of the Proposer's relevant experience, including that of its proposed employees, demonstrating its ability to perform the required services as described in Section A, Item 2 of this document.

b) **TECHNICAL MERIT OF THE PROPOSAL (35%)**
Each proposal will be evaluated on the Proposer's specific description of how the service requirements of this RFP will be met. The organizational capacity to deliver, quality of proposed staffing and approach to customer satisfaction should be provided in detail. Vagueness and omissions on the Proposer's part will not be resolved in the Proposer's favor.

c) **QUALITY OF TRAINING MATERIALS (10%)**
Training materials directly related to this solicitation as required or examples of Proposer's existing training materials should be submitted for review. Materials submitted will be evaluated for quality, completeness, applicability and appropriateness for the target training population.

d) **QUALITY AND COMPLETENESS OF PROPOSAL (5%)**
Each Proposal will be evaluated as to the extent to which the proposal satisfies and addresses each requirement of the Solicitation.

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

**Cover Letter** - A cover letter must be presented with the proposal. The purpose of the letter is to obtain a written commitment from an authorized officer of the organization to provide the training and other services under the terms set forth in the RFP should the contract be awarded to the organization.

**Completeness of Response** -The proposal must address each requirement outlined in the RFP.

e) **COST PROPOSAL (30%)**
The cost to the State will be evaluated in relation to all cost proposals submitted by responsive Proposers. The quality and completeness of the budget, supporting documentation and submission of required forms will be considered in awarding up to 5 of the 30 possible points in this category.

Proposers are encouraged to include all information that may be deemed pertinent to their proposal. Proposers may be requested to provide supplemental information based on the State's evaluation procedure. The supplemental information may be in writing, with clarification as applicable. Any supplemental information will be considered a formal part of the Proposer's original proposal. If further information is needed during the evaluation period, OCFS will contact the Proposer.

**Notification of Award**

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

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

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

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

## A. DESCRIPTION OF SERVICES REQUESTED

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

### 1. Description of Services

The contractor will produce manuals and materials for use by local social service districts, voluntary agencies, and/or OCFS central and Regional Offices for training in and administration of New York State's public child welfare programs involving preventive, child protective, foster care, and adoption services. These manuals and materials will be reproduced and distributed depending upon the specific needs for each manual or set of materials, to be determined at the start of the contract year and re-defined as necessary during the year.

**DELIVERABLE # 1 -**

**Activity Title:** Manuals

**Purpose:** Through the use of these manuals caseworkers, supervisors, attorneys, administrators and family court personnel will develop the knowledge, skills and abilities to overcome local obstacles to permanency, and to promote child safety and well-being.

**Type:** Materials

**Description:** Program Manuals: The Division of Child Welfare and Community Services may request the contractor to develop or to revise program manuals that are used by OCFS and/or LDSS staff to guide practice in accordance with legal, policy and practice standards. The manuals are also used as instructional material in training programs. These program manuals are typically between 150 and 300 pages in length. They include an index and the hard-copy

versions are in three-ring binders. Generally 100-200 copies are required. The above-described hard-copy materials will be printed in black and white, generally without photographic material. Most of the materials are moving to an electronic format, which will in many cases be posted on the OCFS website.

Other manuals or guidebooks may be requested in place of or in addition to those listed above. The contractor will prepare, reproduce and distribute copies.

**DELIVERABLE # 2 -**

**Activity Title:** Materials Development

**Purpose:** Through the use of these materials caseworkers, supervisors, attorneys, administrators and family court personnel will develop the knowledge, skills and abilities to overcome local obstacles to permanency, and promote child safety and well-being.

**Type:** Materials

**Description:** Desk Aids - District Specific or Standardized for use Statewide: One-sheet, two-sided, plastic laminated Desk Aids for use by local social services district staff, voluntary agency/residential child care staff, other community service providers including representatives from the family court, youth bureaus and probation, foster and adoptive parents and OCFS staff. Quantities of up to 3600 to be prepared, reproduced and distributed. Desk Aids will be printed in up to two colors per side.

Other materials may be requested in place of or in addition to those listed above. The prospective contractor will be required to edit existing materials, develop and prepare new materials, provide graphic artist services, reproduce and distribute copies of materials as required by OCFS

**DELIVERABLE # 3 -**

**Activity Title:** Training to Support Child Welfare

**Purpose:** Through the services provided by the selected consultants, the target audience will improve their ability to overcome local obstacles to permanency, and promote child safety and well-being.

**Type:** Training

**Description:** The contractor will use established guidelines and maintain a consultant database for the procurement and provision of consultant services for training and technical assistance in response to requests for such services from OCFS and local social services districts. Funds will be used to cover consultant services to address statewide and local district/agency program

and performance improvement initiatives, and training to address regulatory and/or statutory changes that may occur during the year.

Meeting room rental, associated travel and per diem expenses for consultants and purchase of training materials are also anticipated.

Consultant Amounts: The activity entitled "Consultant Services – Training" should provide for $212,500 of training deliverables produced through consultant services, and the activity entitled "Consultant Services - Administrative" should produce $37,500 of administrative deliverables through consultant services. The total amount of consultant services produced under this component is $250,000 including travel and per diem expenses.

It is anticipated that a significant portion of the requested services will be related to training in support of the CWCS Model of Supervision. Some training will be directed at smaller groups of supervisors in a skills clinic format while other training sessions will use a coaching format for individuals or small groups for multiple short sessions within one training day. This work will require close coordination with other related training at the direction of CWCS staff.

The successful bidder will coordinate with CWCS staff for the delivery of up to 26 skills clinics by qualified consultants at various sites throughout New York State.

The vendor is also expected to oversee and coordinate with CWCS ninety two (92) days of coaching provided by qualified consultants as follows:

- 58 coaching days for supervisors in four counties for 7 months during the contract year. Each on-site coaching session will be approximately 1 hr., one-time monthly for each supervisor. It is anticipated that there will be an average of 6, one-hour sessions per day..

- An additional 16 on-site coaching days for will be provided to the (three) districts that implemented the model in 2014.

- The vendor will also provide up to 18 days (three days per Regional Office) of coaching to OCFS CWCS Regional Office staff to assist them in implementing the KEYS: NYS Model of Supervision with various counties.

- In support of this component, the vendor is also expected to facilitate the management and development of the coaches. This includes, but is not limited to: coordinate the work of the coaches and to participate in two (1 day) face to face meetings (25 participants) and bi-monthly conference calls (totaling 2 days of time) with all of the KEYS coaches. Both coaches internal to the vendor and external consultant coaches will be expected to participate so that fidelity to the model can be supported; the coaching experience is consistent across all participating districts; and the techniques and materials used in coaching can be shared.

The contractor will:

- Work with the OCFS CWCS Staff on required consultant qualifications, identification and selection, monthly reporting of number of consultants hired, amount of monies expended, and consultant evaluation.

- Be able to develop and execute contracts with expedience as required for emerging needs identified by OCFS

- Prepare, reproduce and distribute materials associated with Consultant and Office presentations. Materials will include but not be limited to course announcements, registration forms, handouts, and trainee and trainer manuals. Other activities such as site location and agenda development will be conducted in close cooperation with OCFS Central and Regional Office staff.

- Provide OCFS with a delineation of proposed and actual expenditures associated with administration, consultant expenditures and materials preparation costs in a spreadsheet format defined by OCFS. The spreadsheet will be updated and transmitted to OCFS on a weekly basis.

**DELIVERABLE # 4 -**

**Activity Title:** Administrative Activities to Support Child Welfare

**Purpose:** Through the services provided by the selected consultants, caseworkers, supervisors, attorneys, administrators, family court and OCFS personnel will improve their ability to overcome obstacles to permanency, and promote child safety and well-being.

**Type:** Other

**Description:** The contractor will use its own established guidelines and consultant database whenever possible to procure and provide consultant services for training and technical assistance in response to requests for training and administrative services from OCFS and local social services districts.

**DELIVERABLE # 5 -**

**Activity Title:** Financial Analysis and Research - Rensselaer

**Purpose:** The vendor will provide financial analysis and research support to the Office of Children and Family Services. These technical services will assist with the research necessary to enable OCFS to take maximum advantage of the federal and state funds available to support both the delivery of services and training to improve those services.

**Type:** Other Activities – 100 % Administrative

**Description:** Support to the OCFS financial services operations such as budget analysis and fiscal projections; assist in the development of the annual executive funding plan, prepare

standardized and ad -hoc reports; update system data and participate in system data integration development and implementation; staff will also participate as training staff team members and provide a wide range of administrative support. The funding to support these functions will support two positions located in Rensselaer.

**DELIVERABLE # 6 -**

**Activity Title:** Financial Analysis and Research - NYC

**Purpose:** These technical services will assist with the research necessary to enable OCFS and within OCFS the Division of Juvenile Justice and Opportunities for Youth (DJJOY) to take maximum advantage of the federal and state funds available to support both the delivery of services and training to improve those services of the DJJOY Bureau for Youth in Transition Programs (BYTP).

**Type:** Other Activities – 100% Administrative

**Description:** The provider will provide Budget and Program Support to the DJJOY Bureau for Youth in Transition Programs. This activity provides financial analysis and research support to the Office of Children and Family Services in its financial services operations such as assistance with budget analysis and fiscal projections; assist in the development of an annual executive funding plan, prepare standardized and ad hoc reports; oversee the fiscal management of two Federal sub allocations Career and Technical Education Improvement Act of 2006 (CTEA) and Title IV-E) managed by DJJOY's BYTP in New York City; update system data and participate in system data integration development and implementation. This activity also provides support to the training staff team members and provides a wide range of administrative support. The administrative support will also include support of BYTP efforts to expanded specialized training within the Division of Juvenile Justice and Opportunities for Youth residential facilities. This position is located in New York City Bureau for Youth in Transition Programs office. Minimal travel will be required to conduct site visits and the project budget should include a staff travel allowance of up to but not exceeding $4,000/year.

## 2. Description of Training Expertise Required

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

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

delivery occurs at various locations throughout New York State using training curricula and materials approved by the Bureau of Training and Development.

The proposal is expected to:

- Provide a comprehensive description of the bidder's organization and its training services staff indicating the ability to deliver the requested training services. Include a list of the bidder's key staff and trainers assigned to the project and describe their experience (include resumes).
- Describe the bidder's organization's ability to deliver multiple classroom-based and E-Learning course offerings throughout New York State. If the bidder's organization has geographic limitations, please provide these.
- Describe experience consistent with excellence in service (for example, include awards, ratings, evaluations, or other evidence of distinction in the training field).
- Describe in detail the organization's ability to provide the services sought in locations throughout New York State.

### 3. Subject Matter Expertise (within the last five years):

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

The proposal is expected to:

- Describe qualifications to provide the services specified. Résumés submitted should highlight individual staff members' subject matter expertise to support this requirement.
- Describe the organization's additional background and experience deemed relevant.
- Proposers should delineate specific experience with research, development, and production of guidance documents prepared for State and local human services customers.
- Describe the organization's capacity to provide graphic design services.
- Describe the organization's experience with the development of and approval process for training courses for Continuing Legal Education (CLE) credits.

### 4. Training Expertise with Target Population (within the last Five years):

Bidders are expected to describe their experience training the target population described in the Introduction section, Item 4 Bidders are also expected to describe their knowledge and experience with various methodologies and techniques including, but not limited to, case studies, role playing, small group discussion and facilitation, demonstrations, simulations, and direct lecture presentations.

The proposal is expected to:

- Describe their organization's experience teaching courses and/or providing training related services to the target population of this RFP. Resumes submitted should highlight individual staff members' experience training the target population to support this

requirement.

- Include a list of courses delivered to the target population, both classroom-based and via webinar, for the category. Specify when and where these courses were conducted.
- Describe the nature of the training (for example, multi-sensory, multi-modal, interactive, learner centered).

### 5. Experience with Human Services Organizations (within the last five years):

Bidders are expected to describe their experience in serving similar human services organizations (for example: state and local governments and not-for-profit providers).

For each category being bid, the proposal is expected to:

- List and describe training delivery experience with New York State and local government human services providers.
- List and describe training delivery experience with not-for-profit human services providers.
- List and describe training delivery experience with other organizations deemed relevant.

### 6. Use of Technology in Training Delivery:

Bidders are expected to describe their ability to provide all equipment necessary to deliver the services sought in this RFP. Bidders should also describe in detail their experience with Synchronous E-Learning platforms and electronic training registration, data collection and analysis tools.

## B. PROCESS FOR PROPOSAL SUBMISSION

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

Pursuant to State Finance Law Sections 139-j and 139-k, this Request for Proposals includes and imposes certain restrictions on communications between a Governmental Entity and a prospective bidder/contractor during the procurement process.

From 10/21/2014, the date notice was given regarding the development of this RFP, through final award/approval as referenced on Section B Item 6 of this document all contacts concerning this RFP/Procurement Contract must be directed to the designated staff, as of the date hereof, identified on the cover page of this Request for Proposals unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law Section 139-j(3)(a). This is referred to as the "restricted period."

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

## 2. Bidders' Questions Concerning this RFP

Bidders may submit typed questions via electronic mail to Ocfs.sm.BTD.FA.RFP@ocfs.ny.gov. All emails must reference the RFP title and solicitation number in the subject line. Questions regarding the RFP will be accepted until 3:00 PM EST on 11/5/2014. No telephone inquiries will be accepted. Answers to all questions received by this date will be posted on the OCFS website at http://ocfs.ny.gov/ohrd/ and the On-line Bidders List website at https://apps.ocfs.ny.gov/obl no later than (11/12/2014).

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

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

## 3. Proposal Due Date

Proposals are due no later than 2:00 p.m. EST on November 19, 2014. Any proposals or unsolicited amendments to proposals received after the due date and time will not be considered in the review process. Bidders are responsible for submitting their proposals on time. OCFS takes no responsibility for any third party error in the delivery of proposals (e.g., U.S. Post Office, Federal Express, UPS, courier, etc.).

## 4. Proposal Mailing Instructions

The delivery/mailing address is:

**Training RFP - Child Welfare Training and Technical Assistance**
**Solicitation #1403**
**New York State Office of Children and Family Services**
**Bureau of Training and Development – Room 234N**
**52 Washington Street**
**Rensselaer, New York 12144**

- Bidders must submit five (5) hard copies of each Technical proposal and one copy on CD ROM in Microsoft Word format in a sealed package.
- Bidders must submit three (3) signed, original hard copy cost proposals. Cost proposals must be submitted in a separate sealed package
- Be sure to mark the outside mailing label referencing the RFP title and solicitation number.

- Emailed or faxed proposals will not be accepted.
- Handwritten proposals will not be accepted.

### 5. Submission of Proposals

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

### 6. Projected RFP Timetable

a) RFP Release Date: October 21, 2014
b) Written Questions Due: November 5 , 2014
c) Response to Written Questions and Posted on Website: November 12, 2014
d) Proposal Due Date: November 19, 2014
e) Selection Review Begins: November 20 , 2014
f) Anticipated Date of Award: December 30, 2014
g) Project/Contract Start Date: March 31, 2015

### 7. Expenses Prior to Contract Execution

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

## C. PROPOSAL REQUIREMENTS

### 1. Format and Content

All proposals must be completed in Microsoft and/or Excel format. Failure to include the required documents and information described below may result in the proposal not being considered.

**a) Summary of Services Being Bid**

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

**b) Service Description**

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

- Include a complete and detailed plan for delivery of the services to be provided and the number of professional and support personnel to be assigned. Bidders are cautioned to be sure that the plan submitted addresses all deliverables included in Section A, Item 1 of this document.
- Describe in detail the organization's qualifications, capacity and experience relevant to providing the services sought, subject matter expertise, experience in training the target population and experience with similar Human Services organizations as described in Section A, items 2 through 6 of this document. Resumes for key personnel who will be assigned to this project should be submitted to support these requirements. Provide resumes of the bidder's organization's key staff and trainers assigned to the project. Resumes should be limited to two typewritten, double-sided pages for each person and should include educational credentials, professional employment history, and work experience.
- Clearly state and specifically identify in your proposal any subcontractors or subcontracts that are to be used to deliver any of the services contained in this RFP.
- Describe any other factors that you believe make you or your organization especially qualified to perform this project.
- Training materials directly related to this solicitation as required or examples of the bidder's existing training materials should be submitted for review. Materials submitted will be evaluated for quality, completeness, applicability and appropriateness for the target training population.

**c) References**

Provide four (4) references with whom the bidder has worked within the past three (3) to five (5) years and who can attest to the bidder's qualifications, by listing the organization name, address, contact person, and telephone number. These four (4) references should speak to the training expertise of the firm as outlined in Section B, Item 2. References will be contacted by phone, Monday through Friday, between 9:00 a.m. and 4:00 p.m. Bids will be rejected as non-responsive if references are not provided.

**d) Required Forms**

A summary of forms required for this proposal and those required of the successful bidder post award may be found in **Section E** of this document.

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

### 1. Contract Award

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

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

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

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

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

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

## 4. Contract Term

The anticipated term of the contract will be defined in the Face Page of the Contract Agreement, but is expected to begin 3/31/2015 and end on 3/30/2020. There will be a one (1) year initial contract period with up to four (4) annual renewals. OCFS reserves the right to schedule work assignments as it deems appropriate and does not guarantee work as a result of the award of a contract. Annual funding will be contingent upon program needs, funding availability and contractor performance. The work plan agreement resulting from this procurement is renewable at OCFS' discretion.

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

On January 18, 2012 Governor Andrew M. Cuomo issued Executive Order Number 38 "Limits on State-Funded Administrative Costs and Executive Compensation," which requires that state agencies establish limits on State reimbursement of administrative and executive compensation costs for contracts and programs that provide direct services to clients. Contracts, payment requests and reporting must comply with this Executive Order and the OCFS regulations promulgated pursuant to that order, unless notified to the contrary by OCFS. The Executive

Order can be found at https://www.governor.ny.gov/executiveorder/38.

## 6. Contract Readiness

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

Prior to submitting an application for funding, applicants are responsible for various verifications which validate their capacity and organizational authority to receive public funding and operate as a not-for-profit corporation in the State of New York, or both. Recipients of grants must be registered in the New York Statewide Financial System (SFS) Central Vendor Registry File and provide their Identification Number at the time of contracting. To register and for additional information on the Vendor file, visit:

http://www.osc.state.ny.us/vendor_management/index.htm

Not-for-profit vendors must be registered with the Attorney General's Office as a charitable organization, and the registration must be up to date at the time of contracting. Vendors must be sure all their documents are up to date and comply with the vendor responsibility requirements as outlined below (in item 14 of this section). To determine the status of your Charities Registration information, contact:

http://www.charitiesnys.com/RegistrySearch/show_details.jsp?id

## 7. Accessibility of Web Based Information and Applications

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

## 8. Contract Management System (CMS)

OCFS has developed a comprehensive, web-based Contract Management System (CMS) providing technology that automates the contract development, claiming, and program reporting process. Vendors awarded contracts under this procurement will develop and electronically sign contracts through CMS. The opportunity to submit claims and program reports online is also available to CMS users. All vendors are required to include the Contract Management System (CMS) Contract Developer and Contract Signatory Authorization Form (OCFS-4821) located in *Summary of Required Documents* in section E of this document. All vendors must complete the entire form. In addition to 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. Interactive screens provide a user-friendly environment. Online claiming functionality allows for expedited payment of claims through the use of system edits, elimination of mailing time, and consolidation of all supporting documentation into one easy to access location. The system facilitates prompt contracting and prompt payment thereby making services available to the children and families of New York State in a timely manner. CMS features will permit vendors to do the following online:
>
> - Develop, manage and electronically sign a contract online
> - Receive alerts and notifications regarding the status of contract approval
> - Permit correspondence between the vendor and OCFS
> - Upload and download contract documents into CMS
> - Process online budget modifications
> - Process online claims including both advances and expenditures
> - Upload supporting documentation for budget modifications and claims
> - Submit program reports online
> - Check the status of contracts and payments

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

For Macintosh users, Safari 3.1 or higher is recommended and can be obtained free of charge at https://www.apple.com/support/mac-apps/safari/

## 9. New York State Contract System (NYSCS) – M/WBE Compliance Reporting

The Empire State Development Corporation (ESD) launched a comprehensive web portal known as the New York State Contract System (NYSCS) https://ny.newnycontracts.com. This website

was developed to facilitate New York State's Minority- and Women-Owned Business Enterprise (M/WBE) initiatives as set forth in Article 15-A of Executive Law. NYSCS offers tools that can be used by businesses, as well as NYS agencies. This website contains:

- A Directory of all Certified Minority- and Women-Owned Businesses. This database is designed to allow end-users the capability to search for M/WBE vendors in a variety of ways; for example, by region, product type, product category or name.
- A portal to be used by Agencies and Businesses at the prime and sub-prime level to record, monitor and report M/WBE goal attainment in state funded contracting. (The NYSCS allows only the reporting of money spent with Certified M/WBEs.)
- Links to the latest bid and grant opportunities from state agencies, authorities and state universities.
- Information on the Empire State Development Corporation and the Governor's M/WBE Program

Vendors interested in doing business with New York State agencies are encouraged to familiarize themselves with this resource before the contracting process begins since it contains the information needed to identify certified M/WBEs.

## 10. OCFS Rights

OCFS reserves the right to:

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

- Award contract to the next highest bidder, if contract negotiations with the selected bidder(s) cannot be accomplished within an acceptable time frame. No bidder will have any rights against OCFS arising from such actions.
- Award contracts to more than one bidder, or to other than the lowest bidder.
- Require that all proposals be held valid for a minimum of 180 days from the closing date for receipt of proposals, unless otherwise expressly provided for in writing.
- Fund any or all of the proposals received in response to this RFP. However, issuance of this RFP does not commit OCFS to fund any proposals. OCFS can reject any proposals submitted and reserves the right to withdraw or postpone this RFP, without notice, and without liability, to any bidder, or other party, for expenses incurred in the preparation of any proposals submitted in response to this RFP, and may exercise these rights at any time.
- Use the proposal submitted in response to this RFP as part of an approved contract. At the time of contract development, awardees may be requested to provide additional budget and program information for the final contract.
- Make additional awards based on the remaining proposals submitted in response to this RFP and/or to provide additional funding to awardees if additional funds become available.
- Make inquiries of third parties, including but not limited to bidders' references, with regard to the bidders' experience, or other matters deemed relevant to the proposal by OCFS. By submitting a proposal in response to this RFP the bidder gives its consent to any inquiry made by OCFS.
- Require contractors to participate in a formal evaluation of the program to be developed by OCFS. Contractors may be required to collect data for these purposes. The evaluation design will maintain confidentiality of participants and recognize practical constraints of collecting this kind of information.
- Consider statewide distribution and regional distribution within New York City, including borough distribution methodology, in evaluating proposals.
- Suspend the Prompt Contracting time frames set forth at Article XI-B of the State Finance Law at the sole discretion of OCFS, for up to four and one-half months to accommodate the intricacies of contract development and finalization. Bidders are hereby advised that if they are selected for award, they will receive further written notice, setting forth the specifics and period of suspension anticipated. Prompt Contracting time frames may also be suspended for more than four and one-half months where significant and substantive differences exist between OCFS and the successful bidder, or when the successful bidder fails to negotiate in good faith.

## 11. Copyright

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

## 12. Subcontractors

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

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

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

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

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

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

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

## 13. Federal Requirements

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

## 14. Vendor Responsibility Requirements

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

OCFS reserves the right to reject any proposal if, in the sole discretion of OCFS, it determines the bidder is not a responsible vendor, or is not, or may not be, during the life of the contract, a stable financial entity. All proposals are subject to vendor responsibility determination before the award is made and such determination can be revisited at any point up to the final approval of the contract by OSC.

## 15. Workers' Compensation Law

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

## 16. Proof of Workers' Compensation Coverage

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

submit it to OSC to prove the contractor has appropriate workers' compensation insurance coverage. The forms can be accessed at

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

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

## 17. Proof of Disability Benefits Coverage

To comply with coverage provisions of the WCL regarding disability benefits, the Workers' Compensation Board requires that a business seeking to enter into a State contract must submit appropriate proof of coverage to the State contracting entity issuing the contract. For each new contract or contract renewal, the contracting entity must obtain ONE of the following forms from the contractor and submit to OSC to prove the contractor has appropriate disability benefits insurance coverage. The forms can be accessed at

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

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

## 18. Required Electronic Payments and Substitute Form W-9

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

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

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

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

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

## 19. Organizational Chart

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

## 20. Iran Divestment Act

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

During the term of the contract, should OCFS receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, OCFS will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then OCFS shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the contractor in default.

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

## 21. Public Information Requirements

All the proposals upon submission will become the property of OCFS. OCFS will have the right to disclose all or any part of a proposal to public inspection based on its determination of what disclosure will serve the public interest. Prospective bidders are further advised that, except for trade secrets and certain personnel information, all parts of proposals must be disclosed to those members of the general public making inquiry under the New York State Freedom of Information Law (New York State Public Officers Law, Article 6). Should a bidder wish to request an exception from public access to information contained in its proposal, the bidder must specifically identify the information and explain in detail why public access to the information would be harmful to the bidder. Use of generic trade secrets legends

encompassing substantial portions of the proposal or simple assertions of trade secret interest without substantive explanation of the basis therefore will be regarded as non-responsive to this requirement for specificity and explanation. Non-responsive requests for exception from public access will not be considered by OCFS in the event a Freedom of Information request for proposal information is received.

### 22. Independent Annual Audits - Policy

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

## E. SUMMARY OF REQUIRED DOCUMENTS

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

| Document Name | Required with Proposal Submission | Required with Contract | Required for Public Bidders | Required for Not For Profit (NFP) Bidders | Provided for Reference |
|---|---|---|---|---|---|
| **Bidder Check List** | X | | X | X | |
| **Application for Training and Administrative Activities Contract (OCFS-3101) SIGNED HARD COPY REQUIRED** | X | | X | X | |
| **Budget (OCFS-3104 I-VIII)** | X | | X | X | |
| **Administrative Sub-Budget (OCFS-3104A I-VIII)** | | X | X | X | |
| **Bidder Identification Form (OCFS-4553)** | X | | X | X | |
| **Implementation of Affirmative Action: Include your Organization's Affirmative Action/EEO Policy Statement or use OCFS—3460 – MWBE Equal Opportunity Policy Statement** | X | | X | X | |

| Document Name | Required with Proposal Submission | Required with Contract | Required for Public Bidders | Required for Not For Profit (NFP) Bidders | Provided for Reference |
|---|---|---|---|---|---|
| **Encouraging Use of New York State Businesses in Contract Performance (no form numberOCFS-2116)** | X | | X | X | |
| **Non-Discrimination/Non-Sectarian Compliance (OCFS-4555)** | X | | | X | |
| **<u>Vendor Responsibility Documentation:</u>**<br>**Vendor Responsibility Questionnaire (on-line via VendRep System with Overview Page submittal required) via:**<br>http://www.osc.state.ny.us/vendrep/vendor_index.htm<br>*OR*<br>**Vendor Responsibility Questionnaire (AC-3291-S) (HARD COPY VERSION WITH NOTARIZED SIGNATURE REQUIRED)**<br>• Board of Directors Profile (OCFS-4552) SIGNED HARD COPY REQUIRED<br>• Certificate of Incorporation (no associated form)<br>• Exemption from Income Taxes (no associated form)<br>• Financial Statement (no associated form)<br>• Proof of Workers' Compensation Coverage<br>• Proof of Disability Benefits Coverage | X | | | X | |
| **Contract Management System (CMS) Authorization Form (OCFS-4821) SIGNED HARD COPY REQUIRED** | X | | | X | |
| **Contractor Employee Confidentiality Certification Form (OCFS-4715)** | | X | *X* | X | |

| Document Name | Required with Proposal Submission | Required with Contract | Required for Public Bidders | Required for Not For Profit (NFP) Bidders | Provided for Reference |
|---|---|---|---|---|---|
| **Implementation of Affirmative Action:**<br>• Project Staffing Plan (OCFS-4629)<br>• M/WBE Subcontractors and Suppliers Letter of Intent to Participate (OCFS-4630) with signature page of M/WBE Vendor<br>• Subcontracting/Suppliers Utilization Form (OCFS-4631)<br>• M/WBE Request for Waiver Form (OCFS-4442) (if applicable) | | X | X | X | |
| **Contractor Employee and Volunteer Background Certification Form (OCFS-4716)** | | X | X | X | |
| **State Consultant Services – Contractor's Planned Employment (OCFS-4842 Form A) (Privates)** | | X | X | X | |
| **Public Vendor Share Worksheet (OCFS-4798 Rev. 6/2013)** | | X | X | | |

| Document Name | Required with Proposal Submission | Required with Contract | Required for Public Bidders | Required for Not For Profit (NFP) Bidders | Provided for Reference |
|---|---|---|---|---|---|
| **Sample Contract Documents for *Not for Profit Organizations* Only -**<br>• Cover and Signature Pages;<br>• New York State Agreement;<br>• Appendix A ~ Standard Clauses for All New York State Contracts;<br>• Appendix A-1 ~ Standard Clauses for All OCFS Contracts;<br>• Appendix A-2 ~ Bureau of Training Additional Assurances;<br>• Appendix A-3 ~ Federal Assurances and Certifications;<br>• Appendix M/WBE ~ Participation by Minority Group Members and Women with Respect to State Contracts: Requirements and Procedures;<br>• Appendix B (cover page)/Vendor Budget<br>• Appendix C ~ Payment and Reporting Terms and Conditions (Line Item Budget);<br>• Appendix D ~ Project Deliverables (cover page)/Vendor Proposal Narrative<br>• State Consultant Services – Contractor's Planned Employment (OCFS-4842 Form A);<br>• Appendix X- Modification Agreement Form; and<br>• Non-Discrimination/Non-Sectarian Compliance form | | | | X | X |
| **Sample Contract Documents for *Public Vendors* Only**<br>• Additional Assurances<br>• Appendix A-3 ~ Federal Assurances; and<br>• Appendix M/WBE | | | X | | X |

| Document Name | Required with Proposal Submission | Required with Contract | Required for Public Bidders | Required for Not For Profit (NFP) Bidders | Provided for Reference |
|---|---|---|---|---|---|
| **OCFS Contract Policy Statements:**<br>• Employment of Qualified Applicants/Recipients of Public Assistance<br>• Affirmative Action/MWBE/EEO Requirements and Procedures<br>• Omnibus Procurement Act<br>• Disproportionate Minority Representation (DMR) in the Child Welfare and Juvenile Justice Systems | | | X | *X* | X |