



## Office of Children and Family Services

**Title:** Non-competitive Solicitation of Interest, Payments for Retroactive Absences

**Agency:** NYS Office of Children & Family Services  
Division of Child Care Services

**Date of Issue:** October 19, 2022

**Due Date/Time:** Acceptance begins 10/19/2022 (with NYC permitted group day care (as defined in Article 47 of the New York City Health Code) coming online 11/1/22) with final deadline for applications to be accepted 12/16/2022 at 11:59 pm

**Location:** Statewide

**Counties:** All NYS Regions

### 1) Background

The 2022 Enacted Budget authorized the New York State Office of Children and Family Services (OCFS) to issue payments for absences to child care providers **that served at least one child in receipt of child care assistance during the designated time periods under 2) below**. These payments are retroactive to cover absences in State Fiscal Year (SFY) 2021 and SFY 2022, for care provided on or after April 1, 2020, and prior to December 1, 2021 to eligible providers. **This is a one-time grant opportunity for licensed, registered, enrolled or permitted providers with a valid Child Care Facility System (CCFS) or NYCDOHMH Article 47 Permit ID who are currently open and “in good standing”** (as defined below in 2) Payment Eligibility Requirements).

Through this solicitation of interest (SOI), OCFS is providing details so that child care providers can determine whether they are eligible for these payments and know how to apply.

### 2) Payment Eligibility Requirements

To receive a retroactive absences payment, providers must apply during the application period and be able to confirm the following eligibility criteria:

- They have an active license, registration, permit, or enrollment to provide child care as of the date this solicitation is posted,
- They are currently open and “in good standing”, and
- **They served**, and attest to serving, at least one child in receipt of child care assistance from the New York Child Care Assistance Program (CCAP) during one or both time periods<sup>1</sup>,

---

<sup>1</sup> For legally exempt programs, this would mean being enrolled during one or both of these periods.

- April 1, 2020 through March 31, 2021, and/or
- April 1, 2021 through November 30, 2021

The New York State Office of Children and Family Services is including in the definition of eligible providers programs that had a valid license, registration or permit, or were enrolled as a legally-exempt provider but have subsequently relocated, changed modality, or made a change in the program's business entity resulting in the issuance of a new license, registration, permit or enrollment number during that same period (hereinafter called the successor program).

To be considered an eligible provider under this clause, the following criteria must be met, and the provider must submit information to verify that:

1. The original program was an OCFS licensed or registered day care program, or NYC permitted group day care (as defined in Article 47 of the New York City Health Code) or enrolled legally-exempt program during the period they are applying for (April 1, 2020 – March 31, 2021 and/or April 1, 2021 – November 30, 2021).
2. The original program was in good standing with OCFS and/or NYC prior to closure.
3. The successor program must have submitted an application to the appropriate oversight office for the licensing, registration, permitting or enrollment of the successor program within 30 days of the closure of the original program.
4. The successor program must be an OCFS licensed, or registered day care program or NYC permitted group day care program (as defined in Article 47 of the New York City Health Code) or enrolled legally-exempt program in good standing as of the date of application.

A successor program must submit the following information to OCFS by 2/14/2023. This information must be submitted to the e-mail address in the grant denial notice:

- The original facility ID, program name during the grant period the program is applying for,
- program director/provider name and contact information,
- Date the original program ended (last day of operation under the original program license/registration/permit/enrollment)
- Successor Facility ID, Program Name and Program Director/Provider Name
- Explanation of the reason for the change in license, name, enrollment etc.

The deadline for applications for this grant is December 16, 2022, at 11:59 pm. No other applications will be reviewed after this time. Once applications are reviewed and approved by OCFS, programs will be notified of their award via email from OCFS.

“In good standing” is defined as a child care program that is in a licensed, registered, or permitted (NYC Article 47) status, or for legally exempt providers is enrolled with an enrollment agency, and at the time of signing the attestation, the provider is not the subject of an active enforcement action by OCFS or the New York City Department of Health and Mental Hygiene (DOHMH).

Ineligible OCFS enforcement statuses for licensed and registered providers include:

- Suspension of License/Registration
- Limitation of License/Registration
- Suspension and Proposed Revocation of License/Registration
- Denial of Application to Renew License/Registration

Ineligible NYC DOHMH enforcement statuses for NYC Article 47 group day care programs include:

- Commissioner's order suspending the permit
- Show cause hearing
- Denial of renewal, revocation of permit

Questions as to NYC enforcement status should be referred to NYC DOHMH.

Legally exempt providers must be in an enrolled status (excluding Enrolled: Emergency Inactive and Enrolled: Inactive) to be considered "in good standing".

If a provider has an enforcement status upon application, their application will be reviewed internally for eligibility. Changes in status and enforcement could result in delay in processing the award. Modality changes and other information changes may also impact the total grant award and/or expected award amounts.

This funding opportunity is separate from previous OCFS funding opportunities including, but not limited to, Stabilization 1.0 and 2.0, and the Essential Worker Scholarship. Participation in these programs is neither required, nor will it impact the ability of a program to access these funds which represent retroactive payment for absences during periods predating these other funding opportunities. Payments will only be disbursed to such providers as meet eligibility requirements and comply with all application submission requirements as detailed below. Providers who do not complete the process and/or submit required documentation to verify eligibility within 60 days of the application period closing will be automatically denied and considered ineligible for this funding opportunity. In addition, any amounts owed to OCFS pursuant to findings about other funding opportunities must be paid and resolved before December 16, 2022 in order to be able to receive an award for this funding.

### **3) Application Submission Requirements: Retroactive Absence Grants**

OCFS has created an online application portal for all potentially eligible child care providers to apply for this opportunity. Eligible child care providers must submit an electronic application to OCFS using the online portal. The online application can be submitted beginning October 19, 2022, until December 16, 2022, at 11:59 pm ET, with the exception of Day Care Centers in New York City (permitted Article 47 group day care programs) which will be able to submit beginning November 1, 2022, until December 16, 2022 at 11:59 pm ET. Applications received by OCFS after this deadline will not be reviewed. Once applications are reviewed and approved by OCFS, providers will be notified of their award via email from OCFS. Only one application can be submitted per program.

Prior to the activation of the online application portal, OCFS will notify all potentially eligible providers with valid email addresses on file in the system of record for licensing, registration, permitting, and enrolling child care providers. The unions representing home based child care providers, CSEA/Voice and UFT will also be engaged to help inform providers about this program. The retroactive absence payment application portal will process the application and confirm provider eligibility. The application will collect contact information and require the provider to attest that they served at least one child in receipt of subsidy during the relevant time (April 2020 to March 2021 and/or April 2021 to November 2021).

Please note: All payments will be made through the New York Statewide Financial System (SFS). Providers who already have an SFS vendor ID must enter the ID during the application process, in order to receive payment.

Providers who do not already have an SFS account will need to follow the instructions contained in the application to obtain an SFS vendor ID. Failure to complete the process to obtain an SFS vendor ID by February 14, 2023 will result in denial of the application for this grant opportunity.

Applicants who do not have an SFS vendor ID will be required to complete an IRS Substitute Form W-9 within the application portal and submit the needed vendor information to OCFS at the time of application in order to complete their application and become SFS vendor certified. The information applicants will provide includes but is not limited to:

- Legal Business Name
- Business name/disregarded entity name, if different from Legal Business Name
- Entity Type
- Tax Identification Number (TIN)
- Tax Identification Type
- Remittance Address
- Ordering Address
- Vendor Primary Contact Name, Title, Email Address, and Phone Number

Applicants will also need to certify that:

- The number shown on the form is their correct tax identification number (TIN)
- They are a U.S. citizen
- They are or are not subject to IRS withholdings

A copy of the electronic IRS Substitute Form W-9 and instructions can be found here: <https://www.irs.gov/pub/irs-pdf/fw9.pdf>

Instructional materials will be available on the OCFS website to assist applicants in completing the process to become SFS vendors.

#### **4) Payment Rate Information**

The absence payment will be a one-time payment equivalent to the sum of 24 days of a daily CCAP market rate as determined by provider type, county group, and the age of the youngest child in receipt of child care assistance served by the provider during the relevant time period(s), unless otherwise noted in Table 1. There is only one 24-day payment available per qualifying time period regardless of the total number of children the provider served. If the provider served at least one child in receipt of child care assistance during each of the relevant periods, then they will receive a single retroactive absence payment that covers both periods, and is equivalent to the sum of 48 days of the daily CCAP market rate for the provider type, county group, and age of the youngest child served during each relevant time period.

The payment amount will be determined by the provider type, county group, and the age group of the youngest child in receipt of child care assistance served by the provider for the given timeframe (unless otherwise noted in Table 1). The counties are divided into the five CCAP market rate county groups as follows:

- County Group 1: Nassau, Putnam, Rockland, Suffolk, Westchester

- County Group 2: Columbia, Erie, Monroe, Onondaga, Ontario, Rensselaer, Schenectady, Tompkins, Warren
- County Group 3: Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Montgomery, Niagara, Oneida, Orleans, Oswego, Otsego, Schoharie, Schuylar, Seneca, St. Lawrence, Steuben, Sullivan, Tioga, Washington, Wayne, Wyoming, Yates
- County Group 4: Albany, Dutchess, Orange, Saratoga, Ulster
- County Group 5: New York City counties, Bronx, Kings, New York, Queens, Richmond

Eligible provider types are as follows:

- Day Care Center (DCC, which includes permitted Article 47 group day care programs in New York City)
- School Age Child Care (SACC)
- Family Day Care (FDC) and Group Family Day Care (GFDC)
- Enrolled Legally Exempt Group Child Care (LE Group)
- Enrolled Legally Exempt Family and In-Home Child Care (LEFC)

**Table 1: Retro one year payment amounts (reflects payment for 24 absences) based on the applicable Child Care Assistance Program market rate\* by county group, provider type, and child’s age. Payment will be based on the age of the youngest child in receipt of child care assistance that the provider served during each time period, with one exception. Qualifying SACCs in County Group 1 will automatically be paid at the School-Age rate so as not to penalize these programs for the lower daily market rate as applies to pre-school aged children.**

| County Group | Provider Type | Daily Market Rate* 24 |         |            |            | Max Rate Per Year |
|--------------|---------------|-----------------------|---------|------------|------------|-------------------|
|              |               | Infant                | Toddler | Pre-School | School Age |                   |
| 1            | DCC           | \$1,560               | \$1,488 | \$1,320    | \$1,560    | \$1,560           |
|              | SACC          |                       |         | \$1,320    | \$1,560    | \$1,560**         |
|              | FDC/GFDC      | \$1,440               | \$1,440 | \$1,440    | \$1,368    | \$1,440           |
|              | LE Group      |                       |         | \$984      | \$1,176    | \$1,176           |
|              | LEFC-Std      | \$936                 | \$936   | \$936      | \$888      | \$936             |
| 2            | DCC           | \$1,416               | \$1,320 | \$1,224    | \$1,080    | \$1,416           |
|              | SACC          |                       |         | \$1,224    | \$1,080    | \$1,224           |
|              | FDC/GFDC      | \$960                 | \$960   | \$912      | \$840      | \$960             |
|              | LE Group      |                       |         | \$912      | \$816      | \$912             |
|              | LEFC-Std      | \$624                 | \$624   | \$600      | \$552      | \$624             |
| 3            | DCC           | \$1,152               | \$1,080 | \$1,056    | \$936      | \$1,152           |
|              | SACC          |                       |         | \$1,056    | \$936      | \$1,056           |
|              | FDC/GFDC      | \$840                 | \$840   | \$792      | \$720      | \$840             |
|              | LE Group      |                       |         | \$792      | \$696      | \$792             |
|              | LEFC-Std      | \$552                 | \$552   | \$504      | \$480      | \$552             |
| 4            | DCC           | \$1,416               | \$1,320 | \$1,248    | \$1,200    | \$1,416           |
|              | SACC          |                       |         | \$1,248    | \$1,200    | \$1,248           |

|   |          |         |         |         |         |                |
|---|----------|---------|---------|---------|---------|----------------|
|   | FDC/GFDC | \$1,080 | \$1,080 | \$1,080 | \$960   | <b>\$1,080</b> |
|   | LE Group |         |         | \$936   | \$912   | <b>\$936</b>   |
|   | LEFC-Std | \$696   | \$696   | \$696   | \$624   | <b>\$696</b>   |
| 5 | DCC      | \$1,656 | \$1,440 | \$1,296 | \$1,128 | <b>\$1,656</b> |
|   | SACC     |         |         | \$1,296 | \$1,128 | <b>\$1,296</b> |
|   | FDC/GFDC | \$960   | \$960   | \$840   | \$840   | <b>\$960</b>   |
|   | LE Group |         |         | \$984   | \$840   | <b>\$984</b>   |
|   | LEFC-Std | \$624   | \$624   | \$552   | \$552   | <b>\$624</b>   |

\* This represents the market rate in effect at the time care was provided.

\*\*Note: For county group 1, all eligible SACC programs will be paid based on the school age market rate, which is the highest rate.

## 5) Attestations for Providers

Child care providers must certify that the information provided in the application is true and accurate.

Attestation Terms and Conditions:

By agreeing to these terms and conditions and applying for the Child Care Retroactive Absences Grant, I certify that all information provided as part of this application is true and accurate to the best of my knowledge, and I acknowledge that I will be required to repay any funds that I received through this program if it is later determined that I was not eligible to receive such funds.

## 6) Timeline:

**Applications open:** 10/19/2022, with the exception of Day Care Centers in New York City (permitted Article 47 group day care programs) which will be able to submit beginning 11/1/2022

**Initial payments:** on or around 11/8/2022, or within 30 days of completing all application requirements

**Application closes:** 12/16/2022

**Deadline to complete SFS vendor ID process and/or submit all information regarding successor program:** 2/14/2023

**Final payments:** 2/28/2023