



**Office of Children
and Family Services**

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

Non-Grant Procurement

REQUEST FOR PROPOSALS

**RFP # 1046
Local District Commissioner Training**

Issued: 9/29/2021

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1.0 GENERAL INFORMATION/CALENDAR OF EVENTS

The New York State Office of Children and Family Services (OCFS) has released this Request for Proposals (RFP) to solicit competitive proposals for a broad range of training and administrative services to all 58 local departments of social services (LDSS) commissioners and administrators. The goal is to increase the administrative capacity of local district commissioners and administrators to manage a human service agency by familiarizing them with policies, procedures, regulations, and systems necessary for the delivery of social services to eligible clients in New York State. This project also provides financial resources for speakers and logistical support for New York Public Welfare Association's semi-annual conferences.

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

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

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

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

1.1 Procurement Integrity/Restrictions on Communication

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

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

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

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Director of Contracts
Questions for RFP # 1046 Local District Commissioner Training
NYS Office of Children and Family Services
52 Washington Street
Room 202S – Procurement Unit
Rensselaer, NY 12144

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

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

1.2 Calendar of Events

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EVENT	DATE
RFP issued	9/29/2021
Deadline for submission of written questions See Section 1.4 for more information	10/13/2021 by 11:59 PM Eastern Time
Responses to written questions posted See Section 1.4 for more information	10/27/2021
Deadline for submission of proposals	11/10/2021 by 4:00 PM Eastern Time
Interviews/Site visits (<i>optional</i>) (not earlier than the week of)	11/15/2021
Anticipated notification of award (not earlier than)	12/22/2021
Anticipated contract start date (not earlier than)	1/1/2022

1.3 Informational Meeting/Bidder's Conference

Not Applicable.

1.4 Submission of Written Questions

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

1.5 OCFS Reserved Rights

OCFS reserves the right to

1. place a monetary cap on the funding amount made in each contract award;
2. change any of the schedule dates stated in this RFP before the due date for the submission of proposals;
3. reject any or all proposals received in response to the RFP;
4. withdraw the RFP at any time at the agency's sole discretion;
5. make an award under the RFP in whole or in part;
6. disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFP;
7. reject any proposal if, in the sole discretion of OCFS, it determines the bidder is not a responsible vendor;
8. seek clarification and revisions of proposals. Request bidders to present supplemental information clarifying their proposals either in writing or by formal presentation. Other than the requested clarification and supplemental information, submission of new information is not permitted;
9. require that bidders demonstrate, to the satisfaction of OCFS, any feature(s) present as a part of their proposal, which may include an oral presentation of their proposal. Any such demonstration or presentation may be considered in the evaluation of the proposal;

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

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23. require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offerer's proposal and/or to determine an offerer's compliance with the requirements of the solicitation;
24. make additional awards based on the remaining proposals submitted in response to this RFP and/or provide additional funding to awardees if such funds become available;
25. make inquiries of third parties, including but not limited to, bidders' references, regarding applicants' experience or other matters deemed relevant to the proposal by OCFS. By submitting a proposal in response to this RFP, the applicant gives its consent to any inquiry made by OCFS;
26. require contractors to participate in a formal evaluation of the program to be developed by OCFS. Contractors may be required to collect data for these purposes. The evaluation design will maintain confidentiality of participants and recognize practical constraints of collecting this kind of information;
27. consider statewide distribution and regional distribution within New York City, including borough distribution methodology, in evaluating proposals;
28. rescind awards for failure of awardees to meet timeframes that OCFS is required by statute to meet for contract development and approval;
29. cancel this RFP, in whole or in part, at any time and to reject any and all proposals when appropriate in the best interests of the state;
30. make adjustments to the funding amount requested based on program need and based on the total dollar value of the applications submitted; and
31. reject any extraneous terms, alternate activities/work to be performed, added conditions, or exceptions stated by applicants within their proposals. This includes, but is not limited to, proposed changes to the standard terms and conditions of the resulting contract(s).

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

2.0 EXECUTIVE OVERVIEW

2.1 Purpose and Procurement Objectives

OCFS seeks proposals from organizations that are willing and able to provide a broad range of training and administrative services to all 58 LDSS commissioners and administrators. The goal is to increase the administrative capacity of local district commissioners and administrators to effectively manage a human service agency by familiarizing them with policies, procedures, regulations, and systems necessary for the delivery of social services to eligible clients in New York State. This procurement also provides financial support for presenters and logistical support at the New York Public Welfare Association's semi-annual conferences.

Prospective bidders should note that, while there are several technical proposal review criteria, the cost proposal is also a significant factor in determining the successful bidder. Interested organizations should carefully consider how their proposed budget will support quality training services to meet the standards of the Bureau of Training and Development (BTD) as economically and competitively as possible. There are no pre-set minimum or maximum bidding amounts for the project described in this procurement.

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 was authorized 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. Therefore, OCFS reimburses training contract vendors up to a maximum rate of 95% of the total contract value. Cost proposals submitted in response to this solicitation will be evaluated at the proposed reimbursed cost (net amount).

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

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

2.2 Background

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

OCFS is dedicated to improving the integration of services 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, childcare, and child welfare services that promote the safety and well-being of children and adults.

BTD is responsible for the training and development of all OCFS employees, the 58 LDSSs, child welfare community-based agencies, and the childcare provider community. OCFS employee trainings include Division of Juvenile Justice and Opportunities for Youth (DJJOY) facility staff, as well as management and supervisory training, computer training, and employee development.

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

The BTD has developed a manual for training vendors' operations under contract with OCFS. The successful bidder will be required to adhere to all provisions within **Attachment 4 - Operations Manual for Training Vendors (OMTV)**, provided herein. The provisions of the OMTV may be modified occasionally and thus will be included in the contract. BTD maintains strict requirements for many aspects of training vendor operations including, but not limited to, training evaluation and using the Human Services Learning Center (HSLC) for training registration, evaluation documentation, and other training management related functions. **It is strongly recommended that all proposers access and review the OMTV at <http://ocfs.ny.gov/ohrd/OMTV/> prior to submitting a proposal.**

2.3 Term of Contract

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

3.0 MINIMUM QUALIFICATIONS TO PROPOSE

3.1 Minimum Qualifications

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

All not-for-profit organizations, non-federal governmental agencies, and for-profit organizations meeting the requirements stated below are eligible to submit proposals in response to this procurement.

- Bidders must provide documentation proving that they are registered to do business in NYS.
- Bidders must have and document at least five (5) years of experience in the provision of executive level training in the human services field. Provide a list with client name, start and end dates of service and include a detailed description of the training services provided for each.
- Bidders must provide a completed **Attachment 5 – References** containing contact information for at least five (5) corporate, not-for-profit, or government customers receiving training services within the last eight (8) years and include a detailed description of the training services provided for each.
- Bidders must submit one (1) example of training curriculum and associated training materials developed by their organization within the last eight years. The submitted curriculum and materials must include a facilitator's guide, trainee guide/handouts, PowerPoint, pre-/post-test, and any other evaluative materials. The curriculum must be targeted towards an adult learner and preferably covers content that aligns with the intent of this RFP.
- Bidders must agree that they have read and agree to the terms of BTB's [Operations Manual for Training Vendors \(OMTV\)](#), which sets forth policies and procedures for doing business with OCFS BTB, as evidenced by their responses on the **Attachment 1 – Proposers Certified Statements**, which must be completed and included in your proposal.

3.2 Vendor Responsibility Requirements

Section 163(9)(f) of the New York State Finance Law requires that a state agency make a determination that a bidder is responsible before awarding that bidder a state contract. Vendor responsibility will be determined based on the information provided by the bidder, online, through the New York State VendRep System Questionnaire or through a paper copy of the *Vendor Responsibility Questionnaire*. OCFS will review the information provided before making an award.

OCFS reserves the right to reject any proposal if, in its sole discretion, it determines the bidder is not a responsible vendor. All proposals are subject to a vendor responsibility determination before the award is made, and the determination can be

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revisited at any point up to the final approval of the contract by the New York State Office of the State Comptroller (OSC). Vendors must maintain their vendor responsibility throughout the duration of the contract.

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

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

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

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

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

Vendors must provide their New York State Vendor Identification Number when enrolling. To request a Vendor Identification Number or for direct VendRep System user assistance, contact the OSC Help Desk at 866-370-4672 or 518-408-4672 or by email at ciohelpdesk@osc.state.ny.us.

The New York State VendRep System offers the following benefits:

- Ease of completion, filing, access to, and submission of the questionnaire. Efficiencies are multiplied for vendors who bid and contract with the state frequently or with multiple state agencies.
- Questionnaire updates are easily filed by updating only those responses that require change from the previously saved questionnaire (as opposed to a paper copy where a new questionnaire is required each time there is a change).
- The stored questionnaire information eliminates the need to reenter data for each subsequent questionnaire submission.

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- Reduction of costs associated with paper documents, including copying, delivery, and filing
- Online questionnaire information is secure and accessible to authorized vendor users only. State agencies can only view certified and finalized questionnaires.
- VendRep question prompts ensure that the correct forms are completed.
- The VendRep Online System contains links to all definitions of the terms used in the questionnaire.

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

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

4.0 SCOPE OF WORK

It is expected that staff/sub-contractors providing the deliverables identified below will have the following minimum qualifications:

- Trainers will have a minimum of 1 year of training executive level staff
- Curriculum developers will have a minimum of 2 years of instructional design experience utilizing adult learning theory

Deliverable 1: Leadership Training

Purpose: To enhance the leadership abilities of commissioners, deputy commissioners, and upper level administrators in achieving their agency goals and mission.

Type: Training: Classroom/Virtual Classroom

Description: This training will assist local social services districts in responding to the number and depth of changes that the social services system is experiencing. The contractor will research, collect, and analyze information that can be shared with local district staff and state staff as best practices. The work should be driven by outreach activities to local commissioners as well as research activities. Research activities include, but are not limited to, analysis and interpretation of new requirements under State and Federal Laws, and analysis and impact of new programs or systems that show an improvement in operational efficiency at the local level. The successful bidder will provide six one-day offerings per year with up to 25 trainees per offering. All training session outlines and schedules must be pre-approved by OCFS.

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Please Note: All classroom sessions will occur on-site at local district offices or other locations approved by OCFS or on a virtual platform as directed by OCFS. It is expected that this training will also be offered in a blended learning approach (e.g., classroom, virtual synchronous and asynchronous).

The vendor should budget for consultant trainers as needed.

There is no trainee travel or per diem cost reimbursement provided under this component.

Deliverable 2: New Commissioner Training

Purpose: To increase local district commissioners' administrative capacity by familiarizing them with existing information, procedures, and systems, thereby improving the delivery of social services to eligible individuals and families in New York State.

Type: Training: Classroom or Virtual Training

Description: The standard New Commissioners Training curriculum that is developed in the first year of this award will be offered on-site or virtually to all new local district commissioners. The vendor will survey the new commissioners to determine areas of interest and need from the standard curriculum. Following analysis of the completed survey, the vendor will identify the appropriate modules from the OCFS approved New Commissioners Training curriculum to create an individually customized training program for the new commissioner(s). Once the modules are selected, the trainer will follow the standard training program in the presentation. Variations from the content in the modules of the standard New Commissioners Curriculum must be approved by the Bureau of Training and Development before being used.

The vendor should budget for consultant trainers as needed.

There is no trainee travel or per diem under this component. The training will be delivered on-site or virtually.

It is anticipated that there will be six one-day offerings per year with up to six trainees per offering.

Please Note: All classroom sessions will occur on-site at local district offices or other locations approved by OCFS or on a virtual platform as directed by OCFS. It is expected that this training will also be offered in a blended learning approach (e.g., classroom, virtual synchronous, and asynchronous).

Deliverable 3: State Conference Support

Purpose: To engender greater communication between local and state administrators, provide a format for improving the delivery of social services in New York State and assist in the successful implementation of social services programs.

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Type: Conference

Description: This component provides financial resources for logistical support and the procurement of social services experts and/or national speakers to present at the two semi-annual statewide conferences sponsored by the New York Public Welfare Association (NYPWA). OCFS and OTDA commissioners and/or their designees actively participate in the planning committee.

The vendor will provide a total of \$10,000 in support of both conferences. The money is to be used to support presenter fees, travel and per diem, and miscellaneous logistical support items (e.g., facility rental, audio-visual equipment rental, etc.).

Deliverable 4: New Commissioner Training Curriculum

Purpose: To develop a consistent standard training program inclusive of modules related to the work of local district commissioners.

Type: Needs Assessment/Curriculum Development

Description: In the first year of this award, the vendor will conduct a needs assessment to determine topic areas pertinent to the role and responsibilities of local district commissioners. This data will be utilized to develop a new standard curriculum that is grounded in adult learning theory. The topic areas identified in the needs assessment will be developed into a series of stand-alone modules that cover the responsibilities of the local district commissioner. The stand-alone modules will be crafted to allow for customization of a delivery that will meet the needs of each individual commissioner and can be offered to an individual or as a classroom training. Virtual classroom is an acceptable option. The determination of individual or classroom offering requires BTB prior approval.

The vendor will prepare outlines that shall be submitted to BTB for review and approval. Once the outline is approved, the vendor shall begin developing the training package, which includes an instructor guide, participant manual, and any supportive training materials that will also be submitted to BTB for approval.

BTB will be included in all aspects of the development of this curriculum including, but not limited to, the prior approval of the needs assessment plan, course outline, and course materials.

5.0 PROPOSAL REQUIREMENTS

5.1 General

5.1.1 Incurred Costs

Neither New York State nor OCFS shall be liable for any costs incurred by an offerer in the preparation and production of a proposal. Neither New York State nor OCFS shall be liable for any costs incurred for work performed by

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the offerer under the contract before the approval of an executed contract or future task order by the New York State Office of the State Comptroller (OSC).

5.1.2 Content of Proposals

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

5.1.3 Security, Nondisclosure, and Confidentiality Agreement

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

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

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

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

The Public Officers' Code of Ethics (Section 74 of the Public Officers Law) sets the standard that no officer or employee of a state agency shall disclose confidential information that he/she acquires during the course of his/her official duties. These standards control the confidentiality of a bidder's

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proposal unless DOB grants a petition for records access in accordance with FOIL

Bidders should be advised that the confidentiality of their proposals is founded upon statute, as described above. A nondisclosure agreement, whether prescribed by DOB or the bidder, would not alter the rights and responsibilities of either party under FOIL. Bidders should not include with their bid a nondisclosure agreement for DOB employees, as it would not alter the provisions of the FOIL or the code of ethics with respect to the disclosure.

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

5.2 Overview of Submission Requirements

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

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

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

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

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

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

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

All proposals and accompanying documentation submitted in response to this RFP will become the property of the State of New York and will not be returned. The content of each bidder's proposal will be held in strict confidence during the bid

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evaluation process, and no details of any proposal will be discussed outside the evaluation process. The successful bidder's proposal and the RFP will be made part of the contract. Therefore, only an individual who is authorized to legally bind the offerer may sign the proposal.

5.3 Part I - Administrative Proposal

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

5.3.1 General Proposal Appearance

1. Binding

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

2. Front Cover

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

3. Table of Contents

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

4. Index Tabs

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

5. Page Numbering

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

6. Font

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

7. Margins

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

5.3.2 Proposal Content

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

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

Must be provided with bid submission:

- A. [Appendix A-3, Federal Assurances and Certifications](#) (If applicable)
- B. [MacBride Fair Employment Principles Certification Form](#) (OCFS-2633)
- C. [Non-Collusive Bidding Certification](#) (OCFS-2634) (required by Section 139d of the State Finance Law)
- D. For complete proposal and contract or MOU requirements for the Minority- and Women-Owned Business Enterprises (MWBE) and Equal Employment Opportunity (EEO) requirements, refer to section 7.6. The following are forms to be completed and submitted with your Administrative Proposal and can be found [here](#).
 1. [Project Staffing Plan Form](#) (OCFS-4629)
 2. [Minority- and Women-Owned Business Enterprises \(MWBE\) Equal Employment Opportunity \(EEO\) Policy Statement](#) (OCFS-3460)
 3. [MWBE Utilization Plan Form](#) (OCFS-4631)
- E. [Procurement Lobbying Act – Offerer Certification Form](#) (OCFS-4822)
- F. [EO 177 Certification](#) (OCFS-2647) (See section 7.23 for more information.)

Should be provided with bid submission:

- [State Consultant Services – contractors Planned Employment](#) (AC-3271-S) (if Applicable) (See section 7.15 for more information.)
- Vendor Responsibility Questionnaire (if Applicable) (See section 3.2 for questionnaire and more information.)
- Offerors must list and clearly explain any and all exceptions and/or caveats to any item contained in this RFP or sample contract language. All exceptions and/or caveats included in the proposal will be reviewed

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and only those of a non-substantive nature will be considered for inclusion in a final contract. Those of a substantive nature will need to be rescinded in writing by the offeror or the proposal will be disqualified as non-conforming.

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

5.4 **Part II - Technical Proposal**

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

5.4.1 **General Proposal Appearance**

1. **Binding of Proposal**

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

2. **Front Cover**

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

3. **Table of Contents**

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

4. **Index Tabs**

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

5. **Page Numbering**

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

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6. Font

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

7. Margins

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

5.4.2 Proposal Content

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

Offerers will submit an executive summary that must include

- a brief history of the organization,
- the full array of services performed by the organization and relevant notable accomplishments,
- the offerer's understanding of the requirements presented in the RFP, and
- any proposed sub-contractors or sub-offerers and their scope of work.

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

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

All not-for-profit organizations, non-federal governmental agencies, and for-profit organizations meeting the requirements stated below are eligible to submit proposals in response to this procurement.

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

- Bidders must provide documentation proving that they are registered to do business in New York State.
- Bidders must have, and document, at least five (5) years of experience in providing executive level training in the human services field. Provide a list with customer name, start and end dates of service, a detailed description of the training courses provided (classroom-based and virtual classroom), nature of the training (for example, multi-sensory, multi-modal, interactive, learner centered) and where each training was conducted.
- Bidders must provide a completed **Attachment 5 – References** containing contact information for at least five (5) corporate, not-for-profit, or government customers receiving training services within the

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last eight (8) years and include a detailed description of the training services provided for each. References should include the customers they provided executive level human services training to.

- Bidders must submit an example of training curriculum and associated training materials developed by their organization within the last eight (8) years. The submitted curriculum and materials must include a facilitator's guide, trainee guide/handouts, PowerPoint, pre-/post-test, and any other evaluative materials. The curriculum must be targeted towards an adult learner and preferably covers content that aligns with the intent of this RFP.
- Bidders must agree that they have read and agree to the terms of BTB's [Operations Manual for Training Vendors \(OMTV\)](#), which sets forth policies and procedures for doing business with OCFS BTB, as evidenced by their responses on the **Attachment 1 - Proposers Certified Statements**, which must be completed and included in your proposal.

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

Proposal Section 3 – Experience (70 points)

1. Description of Training Expertise Required (Up to 15 points)

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

Bidders must provide the following information to demonstrate they possess the required training expertise:

- Provide a comprehensive description of your organization and its training services staff indicating the ability to deliver the requested training services.
- Describe your organization's ability to deliver multiple classroom-based, virtual classroom, and e-Learning course offerings in the geographical regions specified. If the bidder's organization has geographic limitations within the specified regions, please provide these.
- Describe experience demonstrating excellence in service (for example, include awards, ratings, evaluations, or other evidence of distinction in the training field).

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- Describe, in detail, your organization's ability to deliver the specified training and services on the dates, times, and at statewide locations to be determined or approved by BTB.
- Describe the professional expertise and qualifications of the training staff assigned to the project. Include a list of the bidder's key staff and trainers assigned to the project and describe their experience (include resumes for key personnel listed in the budget) or provide the qualifications that will be used to hire the staff providing services and recruiting plan to be able to deliver services on 1/1/2022.

2. Subject Matter Expertise within the last five years (Up to 15 points):

Bidders are expected to describe their organization's experience and expertise with the specific course content/subject matters relevant to human services executive management.

Bidders must provide the following information to demonstrate they possess the required subject matter expertise:

- Describe how your organization meets the qualifications to provide the services specified as stated in Section 4.0 Scope of Work. Staff resumes submitted should highlight each individual staff member's subject matter expertise to support this requirement.
- Describe the organization's additional training background and experience deemed relevant.

3. Training Expertise with Target Population within the last five years (Up to 10 points):

Bidders are expected to describe their experience training the target population of this RFP (managers and executives in the field of human services). 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.

Bidders must provide the following information to demonstrate they possess the required target population expertise:

- Describe your organization's experience teaching courses and/or providing training-related services to the target population of this RFP. Resumes submitted should highlight each individual staff member's experience training the target population to support this requirement. Please identify on each resume the job title being proposed for each staff member.

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- The **Proposal Section 2, Minimum Qualifications to Propose** submission of a list of courses previously delivered to the target population, both classroom-based and via webinar will be scored.
- 4. Experience with Human Services Organizations within the last five years (Up to 10 points):**

Bidders are expected to describe their experience providing training services to similar human services organizations (for example, state/local governments in addition to not-for-profit and/or other relevant providers).

Bidders must provide the following information to demonstrate they possess the required human services organizations expertise:

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

5. Curriculum Development (up to 10 points):

Bidders must provide the following information to demonstrate they possess the required curriculum development expertise:

- Describe their organization's capacity and experience in developing training curriculum for adult learners in general and management/executive staff in particular
- The Proposal Section 2, Minimum Qualifications to Propose submission of a copy of training curriculum and associated training materials developed by their organization within the last eight years will be scored. The submitted curriculum and materials must include a facilitator's guide, trainee guide/handouts, PowerPoint, pre-/post-test, and any other evaluative materials. The curriculum must be targeted towards an adult learner and preferably covers content that aligns with the intent of this RFP.

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

Bidders must provide the following information to demonstrate they possess the required training delivery expertise:

- Describe their ability to provide all equipment necessary to deliver the services sought in this RFP
- Describe in detail their experience with virtual classroom and synchronous e-Learning platforms

Please note: Omissions in the information provided in response to any of the bullets in this section will not be resolved in the offerer's favor and may result in the loss of points. Please ensure each subsection and bullet is clearly labeled and individually addressed with sufficient detail to provide all required information.

5.5 Part III - Cost Proposal

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

- A transmittal letter signed by an individual who is authorized to legally bind the offerer in a contract
- A completed and signed **Attachment 2 – Cost Proposal**. The Cost Proposal shall comply with the mandatory format and content requirements as detailed in this RFP and in **Attachment 2**. Failure to comply with the mandatory format and content requirements may result in disqualification. On the personnel page, names are not required but title/position must be included.

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

5.6 Submission of Proposals

- A. Proposals must be signed by an individual who is authorized to legally bind the offerer to the provisions of the proposal.
- B. Offerers mailing their responses must allow sufficient mail delivery time to ensure that OCFS receives their proposal within the time frames indicated in **Section 1.2 Calendar of Events**.
- C. The Administrative Proposals, Technical Proposals, and Cost Proposals must each be separately bound and submitted in separately sealed envelopes. A sealed envelope may contain multiple proposals of the same type (i.e., three Administrative Proposals can go in one envelope). Administrative Proposals, Technical Proposals, and Cost Proposals must be sealed in separate envelopes. The sealed envelopes may be shipped together inside the same box. Each offerer must submit its proposal so that update pages may be easily incorporated into the original proposal. The following information must appear on the outside front cover of each proposal copy and displayed on the exterior of the packaging:
 - Offerer's legal name and address
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- Administrative Proposal, Technical Proposal, or Cost Proposal
 - Original or copy
 - Date
- D. Bidders assume all risks for timely, properly submitted delivery of proposals. Bidders are strongly encouraged to arrange for delivery of proposals to OCFS before the proposal due date referenced in **Section 1.2 Calendar of Events**. LATE PROPOSALS may not be accepted. Email and fax bid submissions are not acceptable and will not be considered.
- E. Mail or deliver proposals to:

Director of Contracts
Proposal for **RFP #1046 Local District Commissioner Training**
New York State Office of Children and Family Services
52 Washington Street
Room 202S – Procurement Unit
Rensselaer, NY 12144

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

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

- F. By submitting a proposal, the bidder warrants that it has carefully reviewed the needs of the state (as described in this RFP, its attachments, and other communications related to this RFP), has familiarized itself with the specifications and requirements of this RFP and warrants that it can provide such products and services as represented in the bidder's proposal. The bidder agrees to perform all of its obligations should it be awarded a contract in accordance with all applicable federal, state, and local laws, rules, regulations, and policies that are now or hereafter in effect, and any revisions of such laws, rules, regulations, and policies. The

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bidder affirms that the terms of this RFP do not violate any contracts or agreements to which the bidder is a party, and that its other contractual obligations will not adversely influence its capabilities to perform the scope of work and requirements of this RFP.

- G. All proposals and accompanying documentation become the property of the state and will not be returned.
- H. Receipt of late proposals, as a general rule, cannot be accepted. However, if permitted by agency policy and if no timely and responsive proposals are received, a late proposal may be accepted. The agency must certify that proposals were received in accordance with the RFP.

6.0 EVALUATION AND SELECTION METHODOLOGY

6.1 General Information

OCFS will evaluate each proposal based on the “Best Value” concept. This means that the proposal that best “optimizes quality, cost, and efficiency among responsive and responsible offerers” shall be selected for award (New York State Finance Law, Article 11, §163[1][j]).

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

The evaluation process will be conducted in a comprehensive and impartial manner, as set forth herein, by an evaluation committee. The Technical Proposal and compliance with other RFP requirements (other than the Cost Proposal) will be weighted **70%** of a proposal’s total score and the information contained in the Cost Proposal will be weighted **30%** of a proposal’s total score.

Proposers may be requested by OCFS to clarify the contents of their proposals. Other than to provide such information as may be requested by OCFS to clarify information contained in the proposal, no proposer will be allowed to alter its proposal or add information after the deadline for submission of proposals.

6.2 Submission Review

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

6.3 Technical Evaluation

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

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

6.4 Cost Evaluation

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

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

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

6.5 Preliminary Composite Score

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

6.6 Interviews

Not applicable.

6.7 Reference Checks

The proposer will submit references using **Attachment 5** (References). At the discretion of the Evaluation Committee, references may be checked at any point during the process. In the event that a reference check results in one or more negative references, OCFS may find the proposer non-responsive to the terms of this RFP and this could result in the proposer's disqualification.

6.8 Final Composite Score

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

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

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

6.9 OCFS Procedure for Handling Debriefing Requests, Formal Protests, and Appeals

A. Applicability

The intent and purpose of these procedures is to define the debriefing process, as well as the protest and appeal procedures. This includes the steps that must be taken when an interested party challenges a contract award from OCFS. These procedures shall apply to all contract awards made by OCFS.

B. Definitions

1. "Interested party" shall mean a participant in the procurement process and those whose participation in the procurement process has been foreclosed by OCFS.
2. "Contract award" shall mean a written determination from OCFS to an offerer, indicating that OCFS has accepted the offerer's bid or offer.
3. "Debriefing" is the practice whereby, upon request of a bidder, OCFS reviews with such bidder the reasons its bid was not selected for an award. OCFS views debriefing as a learning process so that the bidder will be better prepared to participate in future procurements.

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4. "Formal protest" shall mean a written challenge to an OCFS contract award.
5. "Procurement" shall mean any method used to solicit or establish a contract (e.g., invitation for bid, RFP, single/sole source, etc.)
6. "Protesting party" is the party who is filing a protest to the bid, contract award or other aspect of procurement.
7. "Formal protest determination" shall mean the determination of a formal protest by OCFS' deputy commissioner for administration or his or her designee.
8. "Decision after appeal" shall mean the decision on the appeal of a formal protest by OCFS' commissioner or his or her designee.

C. Debriefing Request

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

1. OCFS will provide notice in writing or electronically to all unsuccessful offerers that the offerer will not receive a funded award under the RFP. An unsuccessful offerer wanting a debriefing must request a debriefing in writing, within 15 calendar days of receipt of the notice from OCFS that the offerer's proposal did not result in an award.
2. When OCFS receives a timely written request from the unsuccessful offerer, it will schedule the debriefing to occur within a reasonable period of time following the receipt of such request. Debriefings will be conducted in person, unless OCFS and the offerer mutually agree to utilize other means, including but not limited to telephone, videoconferencing, or other types of electronic communications.
3. Such debriefing will include: (a) the reasons that the proposal, bid or offer submitted by the unsuccessful offerer was not selected for an award; (b) the qualitative and quantitative analysis employed by OCFS in assessing the relative merits of the proposals, bids, or offers; (c) the application of the selection criteria to the unsuccessful offerer's proposal; and (d) when the debriefing is held after the final award, the reasons for the selection of the winning proposal, bid, or offer. The debriefing will also provide, to the extent practicable, general advice and guidance to the unsuccessful offerer concerning potential ways for their future proposals, bids, or offers to be more responsive.

D. Formal Protest and Appeal Procedure

Any interested party who believes that they have been treated unfairly in the application, evaluation, bid award, or contract-award phases of the

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procurement may present a formal protest to OCFS and request administrative relief concerning such action.

1. Submission of Bid or Award Protests

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

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

2. Review and Formal Protest Determination

- a. Formal protests must be filed with the OCFS deputy commissioner for administration. Any protests filed with the OCFS program division responsible for the procurement will be forwarded to the deputy commissioner for administration. Copies of all formal protests will be provided by the deputy commissioner for administration to the OCFS Division of Legal Affairs and other necessary parties within OCFS, as determined by the deputy commissioner for administration.
- b. Formal protests shall be resolved through written correspondence; however, either the protesting party or OCFS may request a meeting to discuss a formal protest. Where further formal resolution is required, the program division responsible for the procurement may designate a state employee not involved in the procurement (designee) to determine and undertake the initial attempted resolution or settlement of any formal protest.
- c. The OCFS program division responsible for the procurement will conduct a review of the records involved in the formal protest and provide a memorandum to the deputy commissioner for administration or the deputy commissioner's designee summarizing the facts, an analysis of the substance of the protest, and a preliminary recommendation, including: (a) an evaluation of the findings and recommendations, (b) the materials presented by the protesting party and/or any materials required of or submitted by other bidders, (c) the results of any consultation with the OCFS Division of Legal Affairs, and (d) a draft response to the formal protest.
- d. The OCFS deputy commissioner for administration or his or her designee shall hear and make a formal protest determination on all formal protests. A copy of the formal protest determination, stating the reason(s) upon which it is based, and informing the protesting party of the right to appeal

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an unfavorable decision to the OCFS commissioner, shall be sent to the protesting party or its agent within 30 business days of receiving the formal protest, except that upon notice to the protesting party, OCFS may extend such period. The formal protest determination will be recorded and included in the procurement record or otherwise forwarded to the OSC.

3. Appeal of Formal Protest Determination

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

4. Reservation of Rights and Responsibilities of OCFS

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

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be included in the procurement record. If a formal protest determination or a decision after appeal has been reached before transmittal of the procurement record and the contract(s) to OSC, a copy of the formal protest determination or decision after appeal will be included in the procurement record and with the contract(s).

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

E. Appeal to the Office of the State Comptroller

If the protesting party is still not satisfied with the result of its protest after conclusion of the formal protest and appeal procedure described above, the protesting party may file a written appeal with the OSC within 10 business days of the date the protesting party received OCFS' protest determination. An appeal to the OSC's Bureau of Contracts must be in writing and must contain the specific factual and/or legal allegations setting forth the basis upon which the protesting party challenges the contract award by OCFS. Such appeal must be filed with the director of the Bureau of Contracts at the New York State Office of the State Comptroller, 110 State Street, 11th Floor, Albany, NY 12236.

7.0 MANDATORY CONTRACTING REQUIREMENTS

7.1 Contract Readiness

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

Before submitting a bid, an offerer is responsible for various verifications that validate its capacity and organizational authority to receive public funding and

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operate a business in New York State. All suppliers of goods and services to New York State must be registered in the New York Statewide Financial System (SFS) Central Vendor Registry file and provide their identification number at the time of contracting. For additional information on the vendor file, contact:

<https://www.osc.state.ny.us/vendors/vendorselfservicesystem.htm>.

7.2 Standard Contract Language

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

7.3 Contract Management System (CMS)

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

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

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

- Develop, manage, and electronically sign a contract online
- Receive alerts and notifications regarding the status of contract approval
- Permit correspondence between the vendor and OCFS

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- Upload and download contract documents into CMS
- Process online budget modifications
- Process online claims, including both advances and expenditures
- Upload supporting documentation for budget modifications and claims
- Submit program reports online
- Check the status of contracts and payments

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

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

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

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

7.4 Workers' Compensation Insurance and Disability Benefits Coverage

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

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

5. Proof of Workers' Compensation Coverage

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

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

- **Form C-105.2** - *Certificate of Workers' Compensation Insurance*, issued by private insurance carriers, or **Form U-26.3**, issued by the State Insurance Fund;³ or

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- **Form SI-12⁴**, *Certificate of Workers' Compensation Self-Insurance*, or **Form GSI-105.2⁵**, *Certificate of Participation in Workers' Compensation Group Self-Insurance*; or
- **CE-200⁶** - *Certificate of Attestation of Exemption* from New York State Workers' Compensation and/or Disability and Paid Family Leave Benefits coverage.

6. Proof of Disability Benefits Coverage

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

- **Form DB-120.1³** - *Certificate of Disability Benefits Insurance*; or
- **Form DB-120.2** – *Certificate of Participation in Disability Benefits Group Insurance*; or
- **Form DB-155⁷** - *Certificate of Disability Benefits Self-Insurance*; or
- **CE-200⁶** - *Certificate of Attestation of Exemption* from New York State Workers' Compensation and/or Disability and Paid family Leave Benefits coverage.

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

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

- 7.5.1 **Confidentiality** - New York State law requires that any client identifiable information be kept confidential. Any awardee or contractor, employee, or volunteer of the awardee who will be provided with confidential information of recipients served by the awardee must complete and sign form OCFS-4715, [Confidentiality Non-Disclosure Agreement](#). This form must be completed before the start date of the contract and before any such awardee, contractor, employee, or volunteer is permitted access to youth served by an awardee or to any financial or client identifiable information concerning such youth. For additional information, see **Attachment A-1, Section 7 Confidentiality and Protection of Human Subjects**, located at the link to a standard contract listed in Section 7.2 above.
- 7.5.2 **Criminal History Background Checks** - Any awardee or contractor, employee, or volunteer of the awardee, who will have the potential for regular and substantial contact with youth receiving

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services must be subject to background screening and be cleared to hire before the start date of the contract and before such persons are permitted any unrestricted contact with youth. The screening must include a review of individuals' backgrounds through the following three services: New York State Justice Center for the Protection of People With Special Needs Staff Exclusion List (SEL), New York Statewide Central Register (SCR) list; and a criminal background check vendor that will conduct both a federal check and a check of all 50 states. Additional information regarding all three services will be provided upon the grant of an award. Please note that the grant of an award may be negatively impacted if background checks reveal that an individual proposed to provide services is on the SEL, is the subject of any indicated report of child abuse and/or maltreatment or has convictions for one or more prior criminal offenses. Awardees are responsible for notifying OCFS if a background check reveals that a contractor, employee, or volunteer of the awardee proposed to provide services has a criminal history. Any criminal history revealed as a result of such screening will be evaluated by OCFS pursuant to Correction Law Article 23-A, section 752, on a case-by-case basis taking into consideration the duties of the position and those factors set forth in Correction Law Article 23-A, section 753. OCFS will evaluate the results of the screening in accordance with Correction Law Article 23-A and notify the awardee of its determination. The awardee shall be responsible for the cost associated with any required background screens of the individuals identified in this section.

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

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

7.6.1 New York State Executive Law (Article 15-A)

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations OCFS is required to promote opportunities for the maximum feasible participation of New York State-certified MWBE and the employment of minority group members and women in the performance of OCFS contracts.

7.6.2 MWBE Business Participation Opportunities – OCFS Established Goals

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For purposes of this solicitation, OCFS hereby establishes an overall goal of **30** percent for MWBE participation, **15** percent for New York State-certified Minority-Owned Business Enterprise “MBE” participation and **15** percent for New York State-certified Women-Owned Business Enterprise “WBE” participation (based on the current availability of MBEs and WBEs). A contractor on any contract resulting from this procurement must document its good faith efforts to provide meaningful participation by MWBE as subcontractors and suppliers in the performance of the contract. To that end, by submitting a response to this RFP, the respondent agrees that OCFS may withhold payment pursuant to any contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBE can be viewed at: <https://ny.newnycontracts.com>. For guidance on how OCFS will evaluate a contractor’s “good faith efforts,” refer to 5 NYCRR § 142.8.

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

7.6.3 Contract Compliance

In accordance with 5 NYCRR § 142.13, the respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a contract resulting from this RFP, such finding constitutes a breach of contract, and OCFS may withhold payment as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBE had the contractor achieved the contractual MWBE goals and (2) all sums actually paid to MWBE for work performed or materials supplied under the contract.

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

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

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

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

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

OCFS may disqualify a respondent as being nonresponsive under the following circumstances:

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

The successful respondent will be required to attempt to use, in good faith, any MBE or WBE identified within its MWBE Utilization Plan during the performance of the contract. Requests for a partial or total waiver of established goal requirements made subsequent to contract award may be made at any time during the term of the contract to OCFS but must be made before submitting a request for final payment on the contract.

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

7.6.4 Equal Employment Opportunity (EEO) Requirements

By submitting a bid or proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of Appendix A

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– Standard Clauses for All New York State Contracts including Clause 12 - Equal Employment Opportunities for Minorities and Women. The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the work), except where the work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, color, national origin, sex, age, disability, or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the contract; or (ii) employment outside New York State.

The respondent will be required to submit an MWBE and Equal Employment Opportunity Policy Statement, as referenced in **Section 5.6 Submission of Proposals**, to OCFS with its bid or proposal.

If awarded a contract, respondent shall submit a Workforce Utilization Report and shall require each of its subcontractors to submit the same, in a format that OCFS requires on a quarterly basis during the term of the contract.

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

Further, pursuant to Article 15 of the Executive Law (the Human Rights Law), all other state and federal statutory and constitutional non-discrimination provisions, the contractor and subcontractors will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status, or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

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

7.6.5 Service-Disabled Veteran-Owned Business (SDVOB)

[The Service-Disabled Veteran-Owned Business Act](#), signed into law by Governor Andrew M. Cuomo on May 12, 2014, allows eligible veteran business owners to become certified as a New York State Service-Disabled Veteran-Owned Business (SDVOB) in order to increase the participation of such businesses in New York State's contracting opportunities. The SDVOB Act, which is codified under Article 17-B of the Executive Law, acknowledges that SDVOBs strongly contribute to the economies of the state and the nation. Therefore, and consistent with its Master Goal Plan, OCFS strongly encourages vendors who contract with OCFS to consider the utilization of certified SDVOBs that are responsible and responsive for at least **six percent** of discretionary non-personnel service spending in the fulfillment of the requirements of their contracts with OCFS. Such partnering may include utilizing certified SDVOBs as subcontractors, suppliers, protégés, or in other supporting roles to the maximum extent practical, and consistent with the legal requirements of the State Finance Law and the Executive Law. Certified SDVOBs may be readily identified through the directory of certified businesses at: [List of Certified NYS Service-Disabled Veteran-Owned Businesses](#).

7.7 Omnibus Procurement Act

The Omnibus Procurement Act of 1992 requires that by signing a bid proposal, contractors certify that whenever the total bid amount is greater than \$1 million

1. the contractor has made reasonable efforts to encourage the participation of New York State business enterprises as suppliers and subcontractors on this project and has retained the documentation of these efforts to be provided upon request to the State of New York; and has
2. documented their efforts to encourage the participation of New York State business enterprises as suppliers and subcontractors by showing that they have
 - solicited bids, in a timely and adequate manner, from the New York State Empire State Development (ESD) business enterprises, including certified minority-/women-owned businesses; or
 - contacted ESD to obtain listings of New York State business enterprises and MWBEs;
 - placed notices for subcontractors and suppliers in newspapers, journals, or other trade publications distributed in New York State; or

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- participated in bidder outreach conferences; and
 - provided a statement indicating the method by which they determined that New York State business enterprises are not available to participate on the contract as subcontractors or suppliers, *if the contractor has determined such*; and
 - provided a statement verifying no intention of using subcontractors, *if the contractor has no such intention*.
3. The contractor has complied with the federal Equal Opportunity Act of 1972 (P.L. 92-961), as amended.
 4. The contractor will be required to notify New York State residents of employment opportunities by listing any such positions with the Community Services Division of the New York State Department of Labor, providing for such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The agency agrees to document these efforts and to provide said documentation to OCFS upon request.
 5. Bidders located in a foreign country are notified that the state may assign or otherwise transfer offset credits to third parties located in New York State, and the bidders shall be obligated to cooperate with the state in any and all respects in making such assignment or transfer, including but not limited to executing any and all documents deemed by the state to be necessary or desirable to effectuate such assignment or transfer and using their best efforts to obtain the recognition and accession to such assignment or transfer by any applicable foreign government.
 6. Bidders are hereby notified that state agencies and authorities are prohibited from entering into contracts with businesses whose principal place of business is in a “discriminatory jurisdiction.” This is defined as a state or political subdivision that employs a preference or price distorting mechanism to the detriment of or otherwise discriminates against a New York State business enterprise in the procurement of commodities and services by the same or a nongovernmental entity influenced by the same. A list of discriminatory jurisdictions is maintained by the commissioner of the New York State Empire State Development Corporation.

7.8 Anti-Kickback Act

The contractor understands that it must comply with federal Executive Order 11246, the Copeland “Anti-Kickback Act” (18 USC 874), section 508 of the federal Clean Air Act, Section 306 of the federal Clean Water Act, and that it must certify that neither it nor its principals are debarred or suspended from federal financial assistance programs and activities and to complete and return in pursuit of such certification any appropriate form

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required by the state (see federal Executive Order 12549 and 7 CFR Part 3017).

7.9 Contractor Responsibility

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

7.10 Multiagency Use

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

7.11 Public Officers Law

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

7.12 Office of Information Technology Services

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

7.13 New York State Sales and Compensating Use Taxes

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

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

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

Publication 223

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

ST-220-CA

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

ST-220-TD

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

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

7.14 Consultant Disclosure Requirements (If Applicable)

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

- **Initial Report Requirements**

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

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

- **Annual Report Requirements**

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

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

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

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

7.15 Application Development or Programming

Any web-based intranet and internet information and applications development or programming delivered pursuant to this procurement must comply with New York State Enterprise IT Policy NYS-P08-005, Accessibility Web-Based Information and Applications, and New York State Enterprise IT Standard NYS-S08-005, Accessibility of Web-Based

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

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

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

7.17 Federal Funds

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

7.18 Summary of Forms Required After Award and Before contracting

1. Proof of Workers’ Compensation Insurance (See Section 7.4.A for more information)
2. Proof of Disability Insurance (See Section 7.4.B for more information.)

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3. [New York State Consultant Services – Contractor’s Planned Employment \(AC-3271-S\)](#) (See Section 7.15 for more information)
4. [ST-220-TD](#) (NYS Tax Department Form) contractor Certification (if applicable) (See Section 7.14 for more information.)
5. [ST-220-CA](#) (NYS Tax Department Form) contractor Certification to Covered Agency (if applicable) (See Section 7.14 for more information.)
6. [Contractor Employee and Volunteer Background Certification \(OCFS-4716\)](#) (if applicable) (See Section 7.5 for more information.)
7. [Confidentiality Non-Disclosure Agreement \(OCFS-4715\)](#) (if applicable) (See Section 7.5 for more information.)
8. [Contract Management System \(CMS\) Authorization Form \(OCFS-4821\)](#) (See Section 7.3 for more information.)

7.19 Summary of Forms Required During contract Term

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

7.20 Appendix A - Standard Clauses for NYS contracts

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

7.21 Executive Order Number 38

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

LEGAL NOTICE: Based upon the April 8, 2014, decision in *Agencies for Children's Therapy Services, Inc. v. New York State Department of Health, et al. (ACTS)*, covered providers conducting business in Nassau County need not file Executive Order No. 38 disclosures. For purposes of this notice, "conducting business" means having a place of business within Nassau County, providing program services or administrative services involving the use or receipt of state funds or state-authorized payments within Nassau County, or otherwise conducting business within Nassau County in relation to which executive compensation is paid. Please note that the ACTS decision is under appeal. Those affected by the ACTS decision should periodically check the Executive Order 38 website for updates regarding any changes to this notice.

7.22 Executive Order Number 175 (If Applicable)

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

7.23 Executive Order Number 177

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

8.0 PROGRAM-SPECIFIC REQUIREMENTS AND FORMS

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

Attachment 1 – Proposer’s Certified Statements*

Attachment 2 – Cost Proposal*

Attachment 3 – OCFS BTD Copyright Policy (also available here)

Attachment 4 – Operations Manual for Training Vendors (OMTV) (also available [here](#))

Attachment 5 – References*

Appendix A3 – Federal Assurances and Certifications*

* Attachments noted with an asterisk must be completed and included in your proposal submission.