

New York State Department of State  
Request for Applications #12-CSBG-05

**Community Services Block Grant  
Entitlement Solicitation  
To Serve the County of Rockland**

**Important Dates**

<b>Release Date for Solicitation:</b>	<b>August 13, 2012</b>
<b>Questions Due:</b>	<b>August 22, 2012</b>
<b>Updates Posted:</b>	<b>August 30, 2012</b>
<b>APPLICATION DUE DATE:</b>	<b>September 19, 2012, no later than 4:00 p.m.</b>
<b>AMOUNT OF FUNDS TO BE AWARDED:</b>	<b>\$221,762 for FFY 2013 (9 months: 1/1/13-9/30/13) \$221,762 for FFY 2014 (tentative) (10/01/13-9/30/14)</b>
<b>PROGRAM START DATE:</b>	<b>January 1, 2013 (Federal Fiscal Year 2013)</b>

<b>General Program Information/Inquiry</b>	<b>PROPOSAL SUBMISSION</b>
US Mail: ATT: Solicitation to Serve the County of Rockland NYS Department of State Division of Community Services One Commerce Plaza, 99 Washington Avenue, Suite 1020 Albany, NY 12231-0001	ATT: Ms. LuAnn Hart <a href="#">12-CSBG - 05</a> Contract Administration Unit NYS Department of State Bureau of Fiscal Management One Commerce Plaza, 99 Washington Avenue, Suite 1110 Albany, NY 12231-0001
<b>E-mail: <a href="mailto:dos.sm.DCS@dos.ny.gov">dos.sm.DCS@dos.ny.gov</a></b>	

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## I. Introduction and Background Information

### A. Overview and Statutory Authority

Pursuant to authority under §676A(a) of the Community Services Block Grant (CSBG) Act, as amended, by the Community Opportunities, Accountability, and Training, and Educational Services (Coats) Human Services Reauthorization Act of 1998, (Public Law (PL) 105-285), the New York State Department of State (DOS) announces that competing applications will be accepted and an eligible entity will be selected to provide CSBG funded-activities for the County of Rockland, to commence during Federal Fiscal Year (FFY) 2013: January 1, 2013. Selection through this process will result in award of an entitlement contract to provide services in Rockland County.

CSBG is a federal block grant created by Congress in 1981 to alleviate poverty nationwide and empower low-income individuals and families to move from poverty to economic self-sufficiency. In New York State, pursuant to Article 6-D of the Executive Law, the Secretary of State is responsible for CSBG administration, which includes allocation, distribution, and monitoring of funds. Within DOS, the Division of Community Services (DCS) is responsible for management and oversight of CSBG.

DOS seeks applicants able to provide services that address one or more of the CSBG legislative assurances (See Introductions, Section C,) for low-income individuals, families, and communities in the County of Rockland and will accept applications from eligible entity organizations meeting qualifications as stated in PL 105-285 §676A, as stated below. The applicant may propose creating new programs, expanding existing programs, or expanding programs in collaboration with other area providers to provide comprehensive services. **Rockland County is allocated \$221,762 for FFY 2013(9 months-1/1/13-9/30/13), and FFY 2014 (12 months -10/1/13-9/30/14).** Continued funding as a CSBG eligible entity is based on the result of a one-year assessment, as well as federal re-authorization of the CSBG Act, and allocation CSBG program funding.

#### **SEC. 676A. DESIGNATION AND RE-DESIGNATION OF ELIGIBLE ENTITIES IN UNSERVED AREAS 42 USC 9909**

##### **(a) QUALIFIED ORGANIZATION IN OR NEAR AREA. –**

*(1) IN GENERAL. – If any geographic area of a State is not, or ceases to be, served by an eligible entity under this subtitle, and if the chief executive officer of the State decides to serve such area, the chief executive officer may solicit applications from, and designate as an eligible entity –*

*(A) a private nonprofit organization (which may include an eligible entity) that is geographically located in the unserved area, that is capable of providing a broad range of services designed to eliminate poverty and foster self-sufficiency, and that meets the requirements of this subtitle; and*

*(B) a private nonprofit eligible entity that is geographically located in an area contiguous to or within reasonable proximity of the unserved area and that is already providing related services in the unserved area.*

**(b) SPECIAL CONSIDERATION. – In designating an eligible entity under subsection (a), the chief executive officer shall grant the designation to an organization of demonstrated effectiveness in meeting the goals and purposes of this subtitle and may give priority, in granting the designation, to eligible entities that are providing related services in the unserved area, consistent with the needs identified by a community-needs assessment.**

**(c) NO QUALIFIED ORGANIZATION IN OR NEAR AREA. – If no private, nonprofit organization is identified or determined to be qualified under subsection (a) to serve the unserved area as an eligible entity the chief executive officer may designate an appropriate political subdivision of the State to serve as an eligible entity for the area. In order to serve as the eligible entity for that area, the political subdivision shall have a board or other mechanism as required in section 676B(b).**

[\(A link to the CSBG statute and an explanation of terms referenced above can be found in Appendix 1\)](#)

## **B. CSBG Purposes and Goals (§672)**

**Purpose:** CSBG funds are appropriated to *provide assistance to States and local communities, working through a network of community action agencies (CAAs), Community-Based Organizations (CBOs) and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient* (particularly families who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act (42 USC 601 et seq.)); and

The aforementioned goals are accomplished through:

- (A) *the strengthening of community capabilities for planning and coordinating the use of a broad range of Federal, State, local, and other assistance (including private resources) related to the elimination of poverty, so that this assistance can be used in a manner responsive to local needs and conditions;*
- (B) *the organization of a range of services related to the needs of low-income families and individuals, so that these services may have a measurable and potentially major impact on the causes of poverty in the community and may help the families and individuals to achieve self-sufficiency;*
- (C) *the greater use of innovative and effective community-based approaches to attacking the causes and effects of poverty and of community breakdown;*
- (D) *the maximum participation of residents of the low-income communities and members of the groups served by programs assisted through the block grants made under this subtitle to empower such residents and members to respond to the unique problems and needs within their communities; and*
- (E) *the broadening of the resource base of programs directed to the elimination of poverty so as to secure a more active role in the provision of services for-*
  - i. *private, religious, charitable, and neighborhood-based organizations; and*
  - ii. *individual citizens, and business, labor, and professional groups, who are able to influence the quantity and quality of opportunities and services for the poor.*

## **C. CSBG Program Assurances (§676A(b)a-c, (4)**

(1)... funds made available through the grant or allotment will be used –

- (A) *to support activities that are designed to assist low-income families and individuals, including families and individuals receiving assistance under part A of title IV of the Social Security Act (42 USC 601 et seq.), homeless families and individuals, migrant or seasonal farm workers, and elderly low-income individuals and families, and a description of how such activities will enable the families and individuals –*
  - i. *to remove obstacles and solve problems that block the achievement of self-sufficiency (including self-sufficiency for families and individuals who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act);*
  - ii. *to secure and retain meaningful employment;*
  - iii. *to attain an adequate education, with particular attention toward improving literacy skills of the low-income families in the communities involved, which may include carrying out family literacy initiatives;*
  - iv. *to make better use of available income;*
  - v. *to obtain and maintain adequate housing and a suitable living environment;*
  - vi. *to obtain emergency assistance through loans, grants, or other means to meet immediate and urgent family and individual needs; and*
  - vii. *to achieve greater participation in the affairs of the communities involved, including the development of public and private grassroots partnerships with local law enforcement agencies, local housing authorities, private foundations, and other public and private partners to –*

- (I) *document best practices based on successful grassroots intervention in urban areas, to develop methodologies for widespread replication; and,*
- (II) *strengthen and improve relationships with local law enforcement agencies, which may include participation in activities such as neighborhood or community policing efforts;*
- (B) *to address the needs of youth in low-income communities through youth development programs that support the primary role of the family, give priority to the prevention of youth problems and crime, and promote increased community coordination and collaboration in meeting the needs of youth, and support development and expansion of innovative community-based youth development programs that have demonstrated success in preventing or reducing youth crime, such as –*
- i. *programs for the establishment of violence-free zones that would involve youth development and intervention models (such as models involving youth mediation, youth mentoring, life skills training, job creation, and entrepreneurship programs); and*
  - ii. *after-school child care programs*
- (C) *to make more effective use of, and to coordinate with, other programs related to the purposes of this subtitle (including State welfare reform efforts);*

## **II. How to Apply**

Recipients of CSBG funds are required to demonstrate that customers served by funded programs have an income at or below 125% of the current United States Department of Health and Human Services (US DHHS) Poverty Guidelines. §673(2). *(Appendix 2)*

### **A. Organizational Capacity**

Applicants are required to:

1. demonstrate their ability to meet statutory requirements regarding board composition: CAAs are required to have a tripartite Board; for CBOs, more than half its Board members must reside in Rockland County;
2. demonstrate active Board involvement in program planning, implementation and evaluation;
3. demonstrate the capacity and capability to administer a broad range of services designed to address issues of poverty and promote self sufficiency;
4. demonstrate a successful track record in delivering outcome based services; and,
5. demonstrate management capacity to undertake the proposed services and activities.

### **B. Community Needs Assessment**

Applicants are required to:

1. document the geographic location and any boundaries of the proposed service area precisely and consistently;
2. describe the methodology used to assess the broad range of needs for services to the low-income community;
3. describe its efforts to include participation by low-income members of the community in the needs assessment process;
4. document the level of poverty in the area to be served and other conditions that were identified through the needs assessment process; and,
5. demonstrate that the programs being proposed are consistent with the findings of the needs assessment process.

### C. Program Services, Activities, and Outcomes

CSBG funds shall be used to provide:

1. programs and services designed to reduce risk factors, build on individual and family strengths, provide prevention as well as intervention services, be culturally responsive, and flexible in responding to individual needs;
2. programs that relate to the CSBG program assurance areas in: employment, education, income management, housing, emergency services, nutrition, self-sufficiency, and linkages with other community programs;
3. a continuum of family-focused, comprehensive services to low-income individuals and families; applicants may use the Family Development model;
4. assessment of individual and family needs across a broad spectrum of domains providing services in a holistic manner to address growth and development, and supporting movement toward self-sufficiency;
5. programs may be coordinated with other entities which serve to address the needs of low income and vulnerable populations such as Workforce Investment Programs (One-Stop Centers), Family Literacy, Child Support Enforcement, Youth Development Programs, Service for the Elderly, Asset Development Programs, Domestic Violence Programs, etc.; and,
6. the proposal summary and the logic model format are the methods used to demonstrate capacity for this portion of the grant application.

### D. Collaborations and Partnerships

Applicants are required to:

1. demonstrate capacity to work collaboratively with other local agencies to create programs or expand the scope of existing programs that provide services in such areas as employment, education, housing, emergency services, and self-sufficiency for local populations including children, youth, adults, and the elderly; and,
2. demonstrate ability to mobilize public and/or private resource and how those resources will directly benefit the project.

### E. Accountability and Reporting

Applicants are required to:

1. comply with Results-Oriented Management and Accountability (ROMA), the national system for CSBG grantee operations and reporting. *(See Appendix 3 for an explanation of ROMA and Appendix 4 for list of National Performance Indicators).* Applicants not currently a Community Action Agency (CAA) must demonstrate their knowledge of other outcome-based service delivery methods and reporting. Applicants must target services to the low income population at or below 125% of the federal poverty guideline; *(Appendix 2)*
2. identify the technology (software) currently being used for customer intake and assessment, recording/tracking customer outcome, and reporting to board/funding sources; and
3. describe the process used to ensure customers receiving CSBG-funded services do not exceed 125% of the federal poverty guidelines.

### F. Funding and Resource Mobilization (Budget) *(Appendix 5 and Appendix 9)*

Applicants are required to demonstrate that:

1. costs are reasonable and necessary to carry out the work scope;
2. it can document how it will meet the required 25% local share/non-federal match for CSBG funding;
3. combined with local share, CSBG funds will constitute 100% of project costs; and,
4. the use of CSBG funds for administration is equitable in relation to total agency operations.

### III. Applicant Eligibility Criteria and Proposal Requirements

CAAs and CBOs in New York State who meet the criteria outlined in the statute may apply for CSBG funds to serve the unserved area of the County of Rockland.

#### A. Eligibility Criteria

*Community Action Agency* shall mean any private not-for-profit organization currently designated as an *eligible entity* pursuant to New York State Executive Law 159-e(1). Such organization shall have a tripartite board as its governing board, selected by the *entity* and composed so as to assure that:

- (1) *one-third of the members of the board are elected public officials, holding office on the date of selection, or their representatives, except that if the number of such elected officials reasonably available and willing to serve on the board is less than one-third of the membership of the board, membership on the board of appointive public officials or their representatives may be counted in meeting such one-third requirement;*
- (2) *not fewer than one-third of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members are representative of low-income individuals and families in the neighborhood served; and,*
- (3) *the remainder of the members are officials or members of business, industry, labor, religious, law enforcement, education, or other major groups and interests in the community served.*

*Community-based organization* shall mean any organization incorporated for the purpose of providing services or other assistance to economically or socially disadvantaged persons within its designated community. Such organization must have a board of directors of which more than half of the members reside in such designated community. (NYS Executive Law §159-e(4))

Applicants must have been operating as a CAA or CBO for at least 5 years and currently be providing federally or state-funded services to low-income persons.

#### B. Proposal Requirements

All applicants are required to demonstrate that their organization:

- currently provides federally-funded or state-funded services to low-income persons;
- includes a board of directors that allows for maximum feasible participation of the poor, either through tripartite composition as required by NY Executive Law § 159-e(2) for CAAs, or, for CBOs, where more than 50% of its members reside in its service area; and,
- has existed continuously as a CBO or CAA for at least 5 years.

#### C. Due Date and Time

All applications MUST be received by the date stated on the cover page of this RFA.

Applications which are received late will not be considered and will be returned to the applicant agency without review.

#### D. Application Submission

ONE signed and complete original application, plus **FOUR** exact copies of each application must be submitted, (for a total of 5). ALL submissions must contain the complete application including signature pages. All applications must be delivered to:

Ms. LuAnn Hart  
 Contract Administration Unit  
 NYS Department of State RFA **12-CSBG - 05**  
 Bureau of Fiscal Management  
 1 Commerce Plaza, 99 Washington Avenue, Suite 1110  
 Albany, NY 12231-0001

**Electronic or fax copies will not be accepted.**

All applications must be complete to be considered for review.

The RFA and Application package is also available online at: [www.dos.ny.gov/funding](http://www.dos.ny.gov/funding)

**E. Questions and Updates**

All questions regarding the solicitation to serve Rockland County must be submitted in writing, and received on or before the *Questions Due* date as stated on the cover of this RFA, and addressed to: New York State Department of State-Division of Community Services (DCS), **12-CSBG - 05**  
99 Washington Avenue, 1 Commerce Plaza, Suite 1020, Albany, NY 12231-0001.

Any written hardcopy questions must be marked:

Attention: CSBG Solicitation to Serve Rockland County; e-mail inquiries should be addressed to:  
[dos.sm.DCS@dos.ny.gov](mailto:dos.sm.DCS@dos.ny.gov).

When corresponding by e-mail, clearly indicate the subject as: *CSBG Solicitation for Proposals, General Questions*.

Questions must be received by the date posted on the cover of the RFA Responses will be posted on the DOS website at: [www.dos.ny.gov/funding](http://www.dos.ny.gov/funding) by the date posted on the cover of the RFA.

No responses will be provided to inquiries made by telephone other than to request an RFA package; responses to questions will be posted, as stated above.

Questions and answers will be posted on the RFA *Updates Posted* date as stated on the cover of this RFA at the following URL address: [www.dos.ny.gov/funding](http://www.dos.ny.gov/funding).

**F. Funding**

**Rockland County is allocated \$221,762 for FFY 2013.** The award for FFY 2013 can only be assured through FFY 13. Any future funding will depend on the results of a comprehensive on site review immediately after the completion of the first year of funding pursuant to CSBG Act §678B(a)(2)2, as well as, congressional reauthorization of CSBG, and an annual appropriation of funds. Annual allocations will fluctuate based on the level of federal appropriation.

**IV. Completing the Application****Requirements for Submission**

Applicants should respond using the Application forms as indicated. All sections should be completed. Narrative will be evaluated based on predetermined values described in Section V of this RFA. Additional pages may be attached where necessary and requested, but should not exceed any additional pages per part, as noted, except for the Logic Model and where otherwise stated; additional pages are unnecessary for the Budget section. Applications should be typed in Word format and should not use a font size smaller than 10, or margins narrower than .75/right-left, and .5/top-bottom.

Recipients of CSBG funds are required to demonstrate that customers served by funded programs have an income at or below 125% of the current United States Department of Health and Human Services (US DHHS) Poverty Guidelines. §673(2) (Appendix 2).

**Application Cover Page and Project Summary**

Part A and B: Applicant Identification and Certifications, Attestations, and Acknowledgements: applicants must submit an original signed copy. Failure to do so will eliminate the application from review.

Part C: Project Summary

Provide a summary that:

1. Describes the organization's capacity to deliver outcome based services to the low income residents of Rockland County;
2. Outlines the new programs or programs being expanded with CSBG funds,
3. Describes the basis for the programs being proposed for funding, and
4. Describes the collaborations established with other area agencies to provide or expand services.

**A. Organizational Capacity**

Applicants are required to:

1. Demonstrate the organization's ability to meet the statutory requirements regarding board composition: tripartite board requirements for a CAA, or for a CBO more than half of the members must reside in Rockland County,
2. Demonstrate the board's active involvement in program planning, implementation and evaluation,
3. Demonstrate the capacity and capability to administer a broad range of services designed to address issues of poverty and promote self-sufficiency,
4. Demonstrate a successful track record in delivering outcome based services.
5. Demonstrate management capacity to undertake the proposed services and activities.

**B. Community Needs Assessment**

Applicants are required to:

1. Document the geographic location and any boundaries of the proposed service area precisely and consistently.
2. Describe the methodology used to assess the broad range of needs for services to the low-income community,
3. Describe its efforts to include participation by low-income members of the community in the needs assessment process,
4. Document the level of poverty in the area to be served and other conditions that were identified through the needs assessment process,
5. Demonstrate that the programs being proposed are consistent with the findings of the needs assessment process.

**C. Program Services, Activities and Outcomes**

Applicants are required to describe:

1. Proposed programs and services which are designed to reduce risk factors, build on individual and family strengths, provide prevention as well as intervention services, be culturally responsive, and flexible in responding to individual needs
2. Programs that relate to the CSBG program assurance areas in: employment, education, income management, housing, emergency services, nutrition, self-sufficiency, and linkages with other community programs;
3. A continuum of family-focused, comprehensive services to low-income individuals and families; applicants may use the Family Development model;
4. The assessment of individual and family needs across a broad spectrum of domains providing services in a holistic manner to address growth and development, and supporting movement toward self-sufficiency; and,

5. How programs may be coordinated with other entities which serve to address the needs of low income and vulnerable populations such as Workforce Investment Programs (One-Stop Centers), Family Literacy, Child Support Enforcement, Youth Development Programs, Service for the Elderly, Asset Development Programs, Domestic Violence Programs, etc.
6. Complete the proposal summary and the logic model format which are the methods to demonstrate capacity for this portion of the grant application.

#### **D. Collaborations and Partnerships**

Applicants are required to demonstrate:

1. the capacity to work collaboratively with other local agencies to create programs or expand the scope of existing programs that provide services in such areas as employment, education, housing, emergency services, and self-sufficiency for local populations including children, youth, adults and the elderly,
2. the ability to mobilize public and/or private resource and how those resources will directly benefit the project.

#### **E. Accountability and Reporting**

Applicants are required to:

1. Comply with Results-Oriented Management and Accountability (ROMA) the national system for CSBG grantee operations and reporting. (See Appendix 3 for an explanation of ROMA and Appendix 4 for list of National Performance Indicators). Applicants that are not currently a Community Action Agency must demonstrate their knowledge of other outcome based service delivery methods and reporting.
2. Identify the technology (software) currently being used for customer intake and assessment, recording/tracking customer outcome, and reporting to board/funding sources.
3. Describe the process used to ensure customers receiving CSBG funded services do not exceed 125% of the federal poverty guidelines.

#### **F. Funding and Resource Mobilization (Budget)**

Applicants are required to:

1. Demonstrate that costs are reasonable and necessary to carry out the work scope;
2. Document how it will meet the required 25% local share/non-federal match for CSBG funding;
3. Demonstrate that combined with local share, CSBG funds will constitute 100% of project costs; and
4. Demonstrate the use of CSBG funds for administration is equitable in relation to total agency operations.

### **V. Review and Rating Criteria**

#### **Application Evaluation and Scoring (Pass/Fail)**

The following criteria must be met for applications to be qualified for consideration; failure to meet the criteria will result in disqualification of the Application.

1. Application MUST be received by the stated due date and time.
2. Application must include one signed original, plus 4 exact copies.
3. Applicant is a 501(c)(3) and is a CAA or CBO as defined in Section III of this RFA.
4. Applicant has been operating as a CAA or CBO for at least 5 years.
5. Applicant currently provides federally funded–or state-funded services to low-income persons.

Once an application is determined to pass the basic criteria noted above, it will be reviewed for content. The corresponding values indicate the importance that DCS places on each evaluation criterion. Competing applications will be reviewed and evaluated against the criteria below.

**Application Cover Page and Project Summary (not scored)**

**A. Organizational Capacity: (15 points)**

1. Applicants are required meet the statutory requirements regarding board composition: CAAs are required to have a tripartite Board; for CBOs, more than half of its members must reside in Rockland County. The List of Board members must be submitted on the form provided and signed by an officer of the Board.
2. Applicants are required to document the board's active involvement in program planning, implementation and evaluation. This may include board policies and meeting minutes.
3. Applicant must document the capacity and capability to administer a broad range of services designed to address issues of poverty and promote self sufficiency. Identify programs currently or previously operated, dates of operation and primary source(s) of funding.
4. Based on the information in number 3, applicant must demonstrate a successful track record in delivering outcome based services.
5. Applicant must document management capacity to undertake the proposed services and activities.
  - a. Applicant must attach its organizational chart and resume of CEO and CFO.
  - b. Applicant must attach a total agency budget for its current fiscal year.

**B. Community Needs Assessment: (15 points)**

Applicant must describe the geographic location and any boundaries of the proposed service area precisely and consistently.

1. Applicant documents the geographic location and any boundaries of the proposed service area precisely and consistently.
2. Applicant must describe methodology used to assess the broad range of needs for services to the low-income community. This may include sources of statistical information, use of surveys, use of community forums or focus groups with targeted populations, etc.
3. Applicant must describe its efforts to include participation by low-income members of the community in the needs assessment process.
4. Applicant must provide information concerning the level of poverty in the area to be served and other conditions that were identified through the needs assessment process.
5. Applicant must provide information to support the programs being proposed are consistent with the findings of the needs assessment process.

**C. Program Services, Activities and Outcomes (Logic Model): (25 points)**

Applicant must provide a logic model work plan that is outcome oriented for each program being created or expanded with CSBG funds.

1. Applicant must describe the connection between the community needs assessment findings and the need for each program being proposed
2. Applicant must demonstrate that programs relate to one or more of the CSBG program assurance areas (employment, education, income management, housing, emergency services, nutrition, self-sufficiency, and linkages with other community programs).
3. Applicant must demonstrate that the amount of CSBG and other resources identified for each program is reasonable.

4. Applicant must describe its collaboration with other entities which serve to address the needs of low income and vulnerable populations such as Workforce Investment Programs (One-Stop Centers), Family Literacy, Child Support Enforcement, Youth Development Programs, Service for the Elderly, Asset Development Programs, Domestic Violence Programs, etc.
5. Applicant must demonstrate that programs are outcome focused and measurable indicators. Outcomes must be reasonable for the resources being applied. (See [Appendix 4](#) for the list of ROMA Outcome Indicators-NPIs).
6. Applicant's logic model format must clearly describe all of the programs outlined in the project summary section of the application.

**D. Collaborations and Partnerships: (10 points)**

1. Applicant must identify the other agencies who will work collaboratively to create new programs or expand existing services that are described in the work plan. Applicant must describe the nature and extent of the collaboration with each partner and how it will impact the proposed project.
2. If the collaboration is monetary, applicant must indicate the types and amounts of public and/or private resources it will mobilize, and how those resources will directly benefit the project. Agency must demonstrate its ability to mobilize public and/or private resource and how those resources will directly benefit the project.

**E. Accountability and Reporting: (10 points)**

1. The applicant must describe current or prior experience with outcome-based program reporting, including knowledge of ROMA or demonstrate knowledge of other outcome based program reporting.
2. Applicant must identify the technology (software) currently being used for customer intake and assessment, recording/tracking customer outcome, and reporting to board/funding sources. A sample report may be attached.
3. Applicant must describe the process used to ensure customers receiving CSBG funded services do not exceed 125% of the federal poverty guidelines.

**F. Budget: (20 points)**

1. Proposed use of CSBG funds are reasonable and necessary to administer the agency and accomplish the programs. Budgets should equal the allocation for Rockland County (\$221,762). Budgets that exceed this value will be reduced.
2. Local share funds are non-federal and appropriate to the services proposed.
3. Total costs are reasonable and consistent with anticipated results.
4. Administrative costs are equitable in relation to the total agency budget.

**G. M/WBE Utilization Plan: (5 points maximum)**

Applicant must submit a Plan for Certified Minority-And Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women as part of this application. The Utilization Plan-Form A or Waiver, Form B, and Staffing Plan Form C, must be completed and attached for the application to be considered.

## VI. AWARD ADMINISTRATION INFORMATION

Applications will be reviewed and all applicants will be notified of funding decisions. **Grant awards will have a start date of January 1, 2013.** Successful applicants will be notified of funding decisions through issuance of a Notice of Award document that sets forth the amount of funds granted, and the terms and conditions of the grant award, which are subject to approval by the Office of the State Comptroller.

Opportunity to be debriefed will be provided, upon request, to unsuccessful applicants. Requests must be made in writing within 15 days of notification to the same address to which applications are submitted.

Pursuant to New York State Procurement Guidelines, DOS also reserves the right to:

1. Reject any or all solicitations received in response to the RFA;
  2. Withdraw the RFA at any time, at the Department's sole discretion;
  3. Make an award under the RFA in whole or in part;
  4. Disqualify any applicant whose conduct and/or application fail to conform to the requirements of this RFA;
  5. Seek clarifications and revisions of applications;
  6. Use application information obtained through site visits, management interviews and the State's investigation of an applicant's qualifications, experience, ability or financial standing, and any material or other information submitted by the applicant in response to the Department's request for additional information in the course of evaluation and/or selection under the RFA;
  7. Prior to the application due date, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available;
  8. Prior to the application due date, direct applicants to submit application modifications addressing subsequent RFA amendments;
  9. Change any of the scheduled dates;
  10. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective bidders;
  11. Waive any requirements that are not material;
  12. Negotiate with successful applicants within the scope of the RFA in the best interests of the state;
  13. Conduct contract negotiations with the next responsible applicant, should the Department be unsuccessful in negotiating with a selected applicant;
  14. Use any and all ideas submitted in the applications received;
  15. 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 application and/or to determine an applicant's compliance with the requirements of the RFA; and,
  16. Not to make any awards pursuant to this RFA.
-

## VII. Contracting Requirements for Successful Applicants

Sample contracts are for informational purposes and should not be submitted with the proposal. The successful applicant will receive a standard contract package to complete at the time funds are awarded.

**Following the review and rating process, the successful applicant must enter into a standard contract with DOS, which will contain:**

### A. Standard Contract

(Sample attached)

- Approved budget and work plan, any attachments or exhibits, and standard clauses required by the NYS Attorney General for all state contracts including *Appendix A* along with Article 15-A of the NYS Executive Law;
- Appendix C of the contract includes financial reporting requirements, including procurement procedures; and,
- The contract may be subject to approval by the Attorney General and State Comptroller, require submission of final products in both hard copy and electronic form, and be subject to payment only upon proper documentation and compliance with payment procedures and all other contractual requirements. (*Appendix 6*)

### B. Federal Certifications

Applicant should be aware that if selected as the eligible entity, it will be required to certify as part of the executed contract that it will comply with Federal requirements concerning the drug-free workplace, and debarment regulations, and Certification Regarding Environmental Tobacco Smoke, and Disclosure of Lobbying Activities. The successful applicant will also be required to comply with provisions of the Hatch Act (5 USC § 1501-1508 and §7324-7328) which limit political activities of employees whose principal employment activities are funded in whole or in part with Federal funds; the provisions of the Davis-Bacon Act (40 USC § 276a to 276a-7); the Copeland Act (40 USC § 276c and 18 USC § 874); and, the Contract Work Hours and Safety Standards Act (40 USC § 327-333). (*Appendix 7*)

### C. Vendor Responsibility Questionnaire: (For informational purposes only. Do not enroll at this time)

The **Department of State** recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. The successful applicant can enroll in and use the New York State VendRep System, with instructions at: [http://www.osc.state.ny.us/vendrep/vendor\\_index.htm](http://www.osc.state.ny.us/vendrep/vendor_index.htm) or go directly to the VendRep System online at <https://portal.osc.state.ny.us>. Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the Office of the State Comptroller's Help Desk at 866-370-4672 or 518-408-4672 or by email at [ciohelpdesk@osc.state.ny.us](mailto:ciohelpdesk@osc.state.ny.us).

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website: [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep), or may contact the **Department of State** or the Office of the State Comptroller's Help Desk for a copy of the paper form. Applicants are strongly urged to use the online system to expedite contract processing and provide access to supporting contract information.

### D. Prohibitions on Use of Funds

1. CSBG funds may NOT be used to purchase or improve land, or for the purchase, construction, or permanent improvement of any building or facility.
2. All CSBG recipients will be subject to the Hatch Act. (*Appendix 8*)

## VIII. APPLICATION CHECKLIST

Applicants should check off each section to ensure submission of a complete application.

### Application Form

- Part A** Applicant and Project Identification
- Part B** Applicant Certifications/Attestations
  - Certifies as incorporated entity; 501(c)(3)
  - Indicates Federal ID and Charities Registration
  - Board Chair Name and Address are provided
  - Attests to Local share match
  - Certifies it serves a population meeting the poverty guideline
  - VRQ Attestations
  - Application Signature **(original and on 4 copies)**
- Part C:** Project Summary
- Section A - Organizational Capacity**
  - Board list (for CAA or CBO)
  - Board Policy or Minutes
  - Chart of Current or Past Programs
  - Applicant Organizational Chart
  - Résumés of CEO and CFO
  - Annual agency budget for current fiscal year
  - Sample of previous outcome reports (if available)
- Section B - Community Needs Assessment**
- Section C - Program Services, Activities and Outcomes (Logic Model)**
  - One logic model for each program proposed
- Section D – Collaborations & Partnerships**
- Section E – Accountability and Reporting**
  - Attach Sample Outcome reports to illustrate agency system
- Section F – Budget**
  - Budget Summary
  - Salaries & Wages
  - Justification of Administrative Titles
  - Local Share
  - Budget Support Data
  - Budget Narrative
- Section G – Minority/Women Owned Business Enterprises**

Forms to be attached:

  - Utilization Plan (Form A) **OR** Waiver (Form B)
  - Staffing Plan (Form C)

**IX. APPLICATION PACKAGE**

- Application (Parts A/B) and including signed Certification
  - Project Summary (Part C)
    - Section A- Organizational Capacity
    - Section B- Community Needs Assessment
    - Section C- Program Services, Activities and Outcomes (Logic Model)
    - Section D- Collaborations and Partnerships
    - Section E- Accountability and Reporting
    - Section F- Budget
    - Section G – Forms and Instructions for M/WBE Program

**APPLICATION FOR FUNDING FOR A CSBG-ELIGIBLE ENTITY  
TO SERVE ROCKLAND COUNTY, NEW YORK**

<b>PART A - APPLICANT IDENTIFICATION</b>			
<b>APPLICANT:</b> <i>(Full legal name of corporation)</i>			
<b>Applicant Mailing Address:</b> <i>(Full legal address of corporation)</i>			
(#/Street):			
(city)	NY	(zip)	
<b>Executive Director/Chief Executive:</b>			<b>E-MAIL:</b>
<b>AGENCY IDENTIFICATION</b>			
<b>NAME OF AGENCY</b>			
<b>Location</b> (County/Target Area):			
<b>Contact Person:</b>		<b>Title:</b>	
Phone: ( )	Fax: ( )	<b>E-MAIL:</b>	
<b>Contact Mailing Address</b> <i>(if different from applicant )</i>			
(#/ street)			
(city)	NY	(zip)	
<b>Board of Directors - Chair/President:</b>			<b>Phone:</b> ( )
<b>Board Chair Mailing Address:</b>			
(#/ street)			
(city)	NY	(zip)	<b>E-MAIL</b>
<b>Total Funds Requested: \$</b>		<b>(allocation is \$221,762 in year one)</b>	

<b>PART B - APPLICANT CERTIFICATIONS, ATTESTATIONS, and ACKNOWLEDGEMENTS</b>			
Applicant is a 501(c)(3)	YES <input type="checkbox"/>	NO <input type="checkbox"/>	<b>YEAR OF NYS INCORPORATION:</b> [ ]
<b>Applicant Federal Identification Number:</b>		<b>Applicant Charities Registration Number:</b>	
Applicant has operated as an incorporated CAA or CBO for 5 years (continuously)			YES <input type="checkbox"/> NO <input type="checkbox"/>
Applicant is:		CAA <input type="checkbox"/>	CBO <input type="checkbox"/>
Applicant certifies that it currently provides federally-or state-funded services to low-income individuals	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
Agency certifies that it will serve a population that meets the 125% poverty income guideline	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
Board of Directors List is attached (applicable for all applicants: CBOs and CAAs)	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
Agency attests that it has obtained a 25% local share match	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
<b>Vendor Responsibility Acknowledgement:</b>			
<b>I hereby acknowledge that if awarded funding, we will comply with the Vendor Responsibility Requirement of the State of New York as outlined on page 11 in this RFA.</b>			YES <input type="checkbox"/> NO <input type="checkbox"/>

**CERTIFICATION**

This Certifies that the CSBG funds will be used to provide services and activities benefitting low-income persons meeting the federal Poverty Guidelines, in accordance with the purposes, goals, and assurances of PL 105-285, local needs assessments, and the national CSBG goals and outcome measures. There will also be adherence to the applicable OMB circulars and limitations and prohibitions placed on the use of funds by PL 105-285.

<u>Name (Print)</u>	<u>Signature</u>	<u>Date</u>

**Project Summary (Part C)**

**Provide a summary describing the following:**

Agency capacity to deliver outcome based services to the low-income residents of Rockland County.

(enter text)

Outline the new programs or programs being expanded with CSBG funds, the basis for the programs being proposed for funding, and collaborations established with other area agencies to provide or expand services.

(enter text)

Describe how programs and services designed to reduce risk factors, build on individual and family strengths, provide prevention as well as intervention services, be culturally responsive, and flexible in responding to individual needs

(enter text)

Describe the intake and assessment process to determine individual and family needs across a broad spectrum of services that will support the movement toward self-sufficiency

(enter text)

**\*(Do not exceed 2 additional pages, not including any attachments)**

**SECTION A - Organizational Capacity****Forms:**

Complete the Board Membership List (Tripartite form for CAA and/or roster list for CBO)

Current And Past Programs operated that address broad issues of poverty

Summary demonstrating agency organizational capacity.

**Attachments:**

Attach a copy of board policy, minutes, or other documentation that verifies board involvement in program planning, implementation, and evaluation

Attach a copy of the resume of CEO and CFO

Attach a copy of your agency organizational chart

Attach a copy of your agency annual budget for the current fiscal year

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Section A

**COMMUNITY ACTION AGENCY**  
**BOARD OF DIRECTORS AND OFFICERS**

**APPLICANT:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

<b>Officers</b>	
<i>Name</i>	<i>Office</i>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

<b>Elected Public Officials (1/3 of the members)</b>			
Total Number of Seats: _____		(as stated in current bylaws)	
Total Number of Vacancies: _____		(as of the date of this document)	
<b>Name, Address &amp; E-mail Address</b>	<b>Public Official*</b>	<b>Current Term</b>	<b>Verification Document(s)</b>
1	<i>Office:</i>	to	
	_____		
	<i>Title:</i>		
	_____		
2	<i>Office:</i>	to	
	_____		
	<i>Title:</i>		
	_____		
3	<i>Office:</i>	to	
	_____		
	<i>Title:</i>		
	_____		
4	<i>Office:</i>	to	
	_____		
	<i>Title:</i>		
	_____		
5	<i>Office:</i>	to	
	_____		
	<i>Title:</i>		
	_____		

**\*Public Official:** One-third of the members must be elected public officials or their representatives. The elected public official must be in office. Indicate the **office** and **title** of the public official serving or being represented (mayor, county supervisor, member of Congress, etc.).

## Section A - continued

## Community Action Agencies

<b>Representatives of Low-Income Individuals and Communities (or at least 1/3 of the members)</b>			
Total Number of Seats: _____		(as stated in current bylaws)	
Total Number of Vacancies: _____		(as of the date of this document)	
<b>Name, Address &amp; E-mail Address</b>	<b>Neighborhood*</b>	<b>Current Term</b>	<b>Verification Document(s)</b>
1		to	
2		to	
3		to	
4		to	
5		to	
6		to	

**\*Neighborhood:** Please complete, if applicable, in compliance with the federal statute which requires, *Each representative of low-income individuals and families selected to represent a specific neighborhood must reside in the neighborhood represented.*

**Section A - continued****Community Action Agencies**

<b>Representatives of the Private Sector (remainder of the members) [Must be members or officials]</b>			
Total Number of Seats: _____ (as stated in current bylaws)			
Total Number of Vacancies: _____ (as of the date of this document)			
<b>Name, Address &amp; E-mail Address</b>	<b>Member/Official*</b>	<b>Current Term</b>	<b>Verification Document(s)</b>
1		to	
2		to	
3		to	
4		to	
5		to	
6		to	

**\*Indicate the federally-required category.** The federal statute requires the remaining seats to be filled with members or officials of: business, industry, labor, religious, law enforcement, education, or other major groups and interests in the community served.

(additional copies of these forms may be made to accommodate membership lists)

Section A (continued)

**CURRENT AND PAST PROGRAMS OPERATED THAT ADDRESS BROAD ISSUES OF POVERTY**

Program name and brief description of services provided	Dates of operation	Primary funding source(s) and last annual amount(s)	Customer outcomes accomplished in last year of operation

**\*(Do not exceed 1 additional page, not including any attachments)**

**Section A (continued) - Summary (up to 2 pages) \***

**Demonstrate agency organizational ability to carry out this contract. This may include governance, fiscal, human resources, information technology, and comprehensive service delivery experience.**

---

(enter text)

**\*(Do not exceed 1 additional page, not including any attachments)**

**SECTION B - Community Needs Assessment:**

42 U.S.C. 9901 et seq., Section 676, (b), (11) states that . . . *the State will secure from each eligible entity in the State, as a condition to receipt of funding by the entity through a community services block grant made under this subtitle for a program, a community action plan (which shall be submitted to the Secretary, at the request of the Secretary, with the State plan) that includes a community-needs assessment for the community served, which may be coordinated with community-needs assessments conducted for other programs;*

Date of Needs Assessment:

Describe in detail the geographic area including location and boundaries of proposed services.

(enter text)

Describe the methodology used to assess the broad range of needs in the low income community. (Examples: sources of statistical information: use of surveys; focus groups/forums; interviews; etc)

(enter text)

Describe specifically participation of the low-income population in the needs assessment process.

(enter text)

Describe findings drawn from the needs assessment process: i.e. level of poverty, priorities for services, etc.

(enter text)

Describe programs to be created or expanded with CSBG funds to address the priorities noted above:

(enter text)

**\*(Do not exceed 2 additional pages, not including any attachments)**

**SECTION C - Program Services, Activities and Outcomes (Logic Model)**

**Complete one logic model for each program that will be created or expanded with CSBG funds**

Corresponding Need	Amount of CSBG, Local Share, and Other Resources Including Collaborations	Describe services or activities to be provided to customers directly, or in collaboration with other agencies	Outcome Statement	Quantified outcome indicators to be achieved by customers	CSBG National Performance Indicator (if applicable)
	\$				

**(Please add additional pages as necessary to complete the logic model)**



**SECTION E - Accountability and Reporting**

Please describe your agency's knowledge and experience with outcome-based programming and reporting.

(enter text)

Please identify the software and technology currently available to conduct customer intake and comprehensive customer assessment, record and track customer outcomes, and report to your board/funding source(s). *(A sample report may be attached\*)*.

(enter text)

Describe the process to be used to ensure compliance with the 125% poverty eligibility requirement.

(enter text)

**\*(Do not exceed 1 additional page, not including any attachments)**

(Only the following budget forms will be accepted)

**SECTION F -Budget**NEW YORK STATE DEPARTMENT OF STATE  
COMMUNITY SERVICES BLOCK GRANT**Budget Summary**

Contractor: \_\_\_\_\_

**FFY 2013**Budget Period: 1/01/13 To 9/30/13

(a) TOTAL ALLOCATION CSBG WORKFORCE DEVELOPMENT DISCRETIONARY GRANT FUNDS \$ \_\_\_\_\_

(b) REQUIRED LOCAL SHARE \$ \_\_\_\_\_

At least 25% of the total allocation of Federal funds.

(Such share may be in cash, in-kind services, or a combination thereof).

(c) TOTAL PROJECT COST \$ \_\_\_\_\_

Cost Categories	FFY 2013 CSBG Funds	FFY 2013 Local Share	TOTAL PROJECT COST
1. Personnel Services	\$	\$	\$
2. Delegate Agencies	\$	\$	\$
3. Contractual Services/Audit	\$	\$	\$
4. Equipment Purchase/Lease	\$	\$	\$
5. Other Direct Costs (complete App B4)	\$	\$	\$
6. Administrative Costs Indirect Rate _____% Admin Rate/Cost _____%	\$	\$	\$
TOTAL	\$	\$	\$

**Description of Contractual Services/Audit and Equipment Purchase/Lease expenses included in Cost Categories 3 and 4:**

CSBG funds **must** be used in accordance with the cost principles of OMB Circulars A-122 and A-110. Grantees must comply with the limitations and prohibitions as stated in federal **CSBG statute (42 U.S.C. 9901 et seq.)** Section 678F and any subsequent amendments.





**Section F - continued**NEW YORK STATE DEPARTMENT OF STATE  
COMMUNITY SERVICES BLOCK GRANT**Local Share Description**

[Local Share must be obtained as a match for CSBG funds.]

Contractor: \_\_\_\_\_

**FFY 2013**Budget Period: 1/01/13 To 9/30/13

	VALUE	
	CASH	IN-KIND
Volunteer Services; List Programs and Numbers of Volunteers:		
<u>PROGRAMS</u> \$ of volunteers/ hourly \$		
Employer Furnished Services; List Employers and Services:		
<u>EMPLOYERS</u> <u>SERVICES</u>		
All Other Local Share; List Types of Contributions and Sources:		
<u>TYPES OF CONTRIBUTIONS</u> <u>SOURCES</u>		
<b>TOTAL</b>	\$ -	\$ -

Local Share **MUST** be from **NON-FEDERAL** sources. In-kind contributions may include donation of service, equipment or space, not supported by federal funds.

**Section F - continued**NEW YORK STATE DEPARTMENT OF STATE  
COMMUNITY SERVICES BLOCK GRANT**Budget Support Data**  
For Category 5 - Other Direct Cost

Contractor: \_\_\_\_\_

**FFY 2013**Budget Period: 1/01/13 To 9/30/13

COST CATEGORY	DETAILED DESCRIPTION OF EXPENDITURES	FFY 2013 CSBG Funds	FFY 2013 Local Share	TOTAL CHARGES
5.a	Bank Charges	\$	\$	\$
5.b	Beneficiary Client Costs	\$	\$	\$
5.c	Board Allowance and Development	\$	\$	\$
5.d	Consumable Supplies	\$	\$	\$
5.e	Employee Development and Recruitment	\$	\$	\$
5.f	Insurance and Bonding	\$	\$	\$
5.g	Postage, Freight and Express	\$	\$	\$
5.h	Publications, Printing, and Subscriptions	\$	\$	\$
5.i	Repairs and Services	\$	\$	\$
5.j	Space Costs	\$	\$	\$
5.k	Telephone and Electronic Communications	\$	\$	\$
5.l	Travel	\$	\$	\$
5.m	Volunteer and Employer Furnished Services	\$	\$	\$
5.n	Marketing/Public Awareness/Outreach	\$	\$	\$
5.o	Technology	\$	\$	\$
	<b>TOTALS</b>	\$	\$	\$

**Section F - continued**

NEW YORK STATE DEPARTMENT OF STATE  
COMMUNITY SERVICES BLOCK GRANT

**Budget Narrative**

Contractor : \_\_\_\_\_

**FFY 2013**

Budget Period:        1/01/13                      To                      9/30/13

Use the space below to describe how the resources identified in the budget will enable the activities necessary to advance the project and achieve stated outcomes.

**Section G**

**M/WBE INSTRUCTIONS AND FORMS**  
**CONTRACTOR REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN**

**NEW YORK STATE LAW**

Pursuant to New York State Executive Law Article 15-A, the Department of State (hereinafter "DOS") recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority- and women-owned business enterprises and the employment of minority group members and women in the performance of DOS contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority- and women-owned business enterprises in state procurement contracting versus the number of minority- and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that DOS establishes goals for maximum feasible participation of New York State Certified minority- and women - owned business enterprises ("MWBE") and the employment of minority groups members and women in the performance of New York State contracts.

**Business Participation Opportunities for MWBEs**

For purposes of this solicitation, DOS hereby establishes an overall goal of 20% for MWBE participation, 10% for Minority-Owned Business Enterprises ("MBE") participation and 10% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). A contractor ("Contractor") on the subject contract ("Contract") must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and Contractor agrees that DOS may withhold payment pending receipt of the required MWBE documentation. The directory of New York State Certified MWBEs can be viewed at:

**<http://www.esd.ny.gov/mwbe.html>**

For guidance on how DOS will determine a Contractor's "good faith efforts," refer to 5 NYCRR §142.8.

**I. MWBE Utilization**

By submitting a bid or proposal, a bidder on the Contract ("Bidder") agrees to submit the following documents and information as evidence of compliance with 5 NYCRR §142.8:

Bidders are required to submit a MWBE Utilization Plan on Form A with their bid or proposal. Any modifications or changes to the 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 DOS.

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

B. If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt by submitting to the DOS:

Office of Affirmative Action Programs  
 99 Washington Avenue, Albany, New York 12231  
 Phone: (518) 473-2507; Fax (518) 473-9211

a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by DOS to be inadequate, DOS shall notify the Bidder and direct the Bidder to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals on Form B. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

**Section G -continued**

- D. DOS may disqualify a Bidder as being non-responsive under the following circumstances:
- a) If a Bidder fails to submit a MWBE Utilization Plan;
  - b) If a Bidder fails to submit a written remedy to a notice of deficiency;
  - c) If a Bidder fails to submit a request for waiver; or
  - d) If DOS determines that the Bidder has failed to document good faith efforts.

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

**II. Non-Compliance**

- A. In accordance with 5 NYCRR §142.13, Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and DOS may withhold payment from the Contractor as liquidated damages. Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.
- B. In addition, 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.

**Equal Employment Opportunity Requirements**

By submission of a bid or proposal in response to this solicitation, the Bidder/Contractor agrees with all of the terms and conditions of Appendix A including Clause 12 - Equal Employment Opportunities for Minorities and Women. The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 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 Contractor, shall undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

Bidder further agrees, where applicable, to submit with the bid a staffing plan (Form C) identifying the anticipated work force to be utilized on the Contract and if awarded a Contract, will, upon request, submit to the DOS, a workforce utilization report identifying the workforce actually utilized on the Contract if known.

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

**Section G**

**FORM A**

**M/WBE UTILIZATION PLAN**

**INSTRUCTIONS:** This form must be submitted with any bid, proposal, or proposed negotiated contract or within a reasonable time thereafter, but prior to contract award. This Utilization Plan must contain a detailed description of the supplies and/or services to be provided by each certified Minority and Women-owned Business Enterprise (M/WBE) under the contract. Attach additional sheets if necessary.

**Offeror's Name:**  
**Address:**  
**City, State, Zip Code:**  
 Telephone No.:  
 Region/Location of Work:

**Federal Identification No.:**  
**Project/Contract No.:**

**M/WBE Goals in the Contract:** MBE 10% WBE 10%

1. Certified M/WBE Subcontractors/Suppliers Name, Address, Email Address, Telephone No.	2. Classification	3. Federal ID No.	4. Detailed Description of Work (Attach additional sheets, if necessary)	5. Dollar Value of Subcontracts/ Supplies/Services and intended performance dates of each component of the contract.
A.	NYS ESD CERTIFIED <input type="checkbox"/> MBE <input type="checkbox"/> WBE			
B.	NYS ESD CERTIFIED <input type="checkbox"/> MBE <input type="checkbox"/> WBE			

**6. IF UNABLE TO FULLY MEET THE MBE AND WBE GOALS SET FORTH IN THE CONTRACT, OFFEROR MUST SUBMIT A REQUEST FOR WAIVER FORM C.**

<p><b>PREPARED BY (Signature):</b>  <b>DATE:</b></p> <p><b>NAME AND TITLE OF PREPARER (Print or Type):</b>                  SUBMISSION OF THIS FORM CONSTITUTES THE OFFEROR'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE M/WBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A, 5 NYCRR PART 143, AND THE ABOVE-REFERENCED SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND POSSIBLE TERMINATION OF YOUR CONTRACT.</p>	<b>TELEPHONE NO.:</b>	<b>EMAIL ADDRESS:</b>
	<b>FOR M/WBE USE ONLY</b>	
	<b>REVIEWED BY:</b>	<b>DATE:</b>
	<p><b>UTILIZATION PLAN APPROVED:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____</p> <p><b>Contract No.:</b> _____ <b>Project No. (if applicable):</b> _____</p> <p><b>Contract Award Date:</b> _____</p> <p><b>Estimated Date of Completion:</b> _____</p> <p><b>Amount Obligated Under the Contract:</b> _____</p> <p><b>Description of Work:</b> _____</p> <p><b>NOTICE OF DEFICIENCY ISSUED:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____</p> <p><b>NOTICE OF ACCEPTANCE ISSUED:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____</p>	

**Section G**

**FORM B  
REQUEST FOR WAIVER**

<b>INSTRUCTIONS: SEE PAGE 2 OF THIS ATTACHMENT FOR REQUIREMENTS AND DOCUMENT SUBMISSION INSTRUCTIONS.</b>		
<b>Offeror/Contractor Name:</b>	<b>Federal Identification No.:</b>	
<b>Address:</b>	<b>Solicitation/Contract No.:</b>	
<b>City, State, Zip Code:</b>	<b>M/WBE Goals: MBE 10%    WBE 10%</b>	
By submitting this form and the required information, the offeror/contractor certifies that every Good Faith Effort has been taken to promote M/WBE participation pursuant to the M/WBE requirements set forth under the contract.		
<b>Contractor is requesting a:</b>  1. <input type="checkbox"/> MBE Waiver – A waiver of the MBE Goal for this procurement is requested. <input type="checkbox"/> Total <input type="checkbox"/> Partial  2. <input type="checkbox"/> WBE Waiver – A waiver of the WBE Goal for this procurement is requested. <input type="checkbox"/> Total <input type="checkbox"/> Partial  3. <input type="checkbox"/> Waiver Pending ESD Certification – (Check here if subcontractors or suppliers of Contractor are not certified M/WBE, but an application for certification has been filed with Empire State Development.)    Date of such filing with Empire State Development: _____		
<b>PREPARED BY (Signature):</b>   <small>SUBMISSION OF THIS FORM CONSTITUTES THE OFFEROR/CONTRACTOR'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE M/WBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A AND 5 NYCRR PART 143. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND/OR TERMINATION OF THE CONTRACT.</small>	<b>Date:</b>	
<b>Name and Title of Preparer (Printed or Typed):</b>	<b>Telephone Number:</b>	<b>Email Address:</b>
<b>***** FOR M/WBE USE ONLY *****</b>		
<b>Submit with the bid or proposal or if submitting after award submit to:</b>	<b>REVIEWED BY:</b>	<b>DATE:</b>
New York State Department of State Office of Affirmative Action Programs 99 Washington Ave., Ste. 1150 Albany, New York 12231	<b>Waiver Granted:</b> <input type="checkbox"/> YES <b>MBE:</b> <input type="checkbox"/> <b>WBE:</b> <input type="checkbox"/>  <input type="checkbox"/> Total Waiver <input type="checkbox"/> Partial Waiver <input type="checkbox"/> ESD Certification Waiver <input type="checkbox"/> *Conditional <input type="checkbox"/> Notice of Deficiency Issued _____ <b>*Comments:</b>	

**FORM B Instructions**  
REQUIREMENTS AND DOCUMENT SUBMISSION INSTRUCTIONS

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**When completing the Request for Waiver Form please check all boxes that apply. To be considered, the Request for Waiver Form must be accompanied by documentation for items 1 – 11, as listed below. If box # 3 has been checked above, please see item 11. Copies of the following information and all relevant supporting documentation must be submitted along with the request:**

1. A statement setting forth your basis for requesting a partial or total waiver.
2. The names of general circulation, trade association, and M/WBE-oriented publications in which you solicited certified M/WBEs for the purposes of complying with your participation goals.
3. A list identifying the date(s) that all solicitations for certified M/WBE participation were published in any of the above publications.
4. A list of all certified M/WBEs appearing in the NYS Directory of Certified Firms that were solicited for purposes of complying with your certified M/WBE participation levels.
5. Copies of notices, dates of contact, letters, and other correspondence as proof that solicitations were made in writing and copies of such solicitations, or a sample copy of the solicitation if an identical solicitation was made to all certified M/WBEs.
6. Provide copies of responses made by certified M/WBEs to your solicitations.
7. Provide a description of any contract documents, plans, or specifications made available to certified M/WBEs for purposes of soliciting their bids and the date and manner in which these documents were made available.
8. Provide documentation of any negotiations between you, the Offeror/Contractor, and the M/WBEs undertaken for purposes of complying with the certified M/WBE participation goals.
9. Provide any other information you deem relevant which may help us in evaluating your request for a waiver.
10. Provide the name, title, address, telephone number, and email address of offeror/contractor's representative authorized to discuss and negotiate this waiver request.
11. Copy of notice of application receipt issued by Empire State Development (ESD).

Note:

**Unless a Total Waiver has been granted, Offeror/Contractor will be required to submit all reports and documents pursuant to the provisions set forth in the Contract, as deemed appropriate by DOS, to determine M/WBE compliance.**

**Section G**

**FORM C  
STAFFING PLAN**

**Submit with Bid or Proposal – Instructions on page 2**

<b>Solicitation No.:</b>	<b>Reporting Entity:</b>	<b>Report includes Contractor's/Subcontractor's:</b> <input type="checkbox"/> Work force to be utilized on this contract <input type="checkbox"/> Total work force  <input type="checkbox"/> Offeror <input type="checkbox"/> Subcontractor <b>Subcontractor's name</b> _____
<b>Offeror's Name:</b>		

Enter the total number of employees for each classification in each of the EEO-Job Categories identified

EEO-Job Category	Total Work force	Work force by Gender		Work force by Race/Ethnic Identification														
		Total Male (M)	Total Female (F)	White (M) (F)		Black (M) (F)		Hispanic (M) (F)		Asian (M) (F)		Native American (M) (F)		Disabled (M) (F)		Veteran (M) (F)		
Officials/Administrators																		
Professionals																		
Technicians																		
Sales Workers																		
Office/Clerical																		
Craft Workers																		
Laborers																		
Service Workers																		
Temporary /Apprentices																		
<b>Totals</b>																		

<b>PREPARED BY (Signature):</b>	<b>TELEPHONE NO.:</b>
	<b>EMAIL ADDRESS:</b>
<b>NAME AND TITLE OF PREPARER (Print or Type):</b>	<b>Submit completed with bid or proposal</b>

**Section G-continued**

**General instructions:** All Offerors and each subcontractor identified in the bid or proposal must complete an EEO Staffing Plan (FORM B) and submit it as part of the bid or proposal package. Where the work force to be utilized in the performance of the State contract can be separated out from the contractor's and/or subcontractor's total work force, the Offeror shall complete this form only for the anticipated work force to be utilized on the State contract. Where the work force to be utilized in the performance of the State contract cannot be separated out from the contractor's and/or subcontractor's total work force, the Offeror shall complete this form for the contractor's and/or subcontractor's total work force.

**Instructions for completing:**

1. Enter the Solicitation number that this report applies to along with the name and address of the Offeror.
2. Check off the appropriate box to indicate if the Offeror completing the report is the contractor or a subcontractor.
3. Check off the appropriate box to indicate work force to be utilized on the contract or the Offerors' total work force.
4. Enter the total work force by EEO job category.
5. Break down the anticipated total work force by gender and enter under the heading 'Work force by Gender'
6. Break down the anticipated total work force by race/ethnic identification and enter under the heading 'Work force by Race/Ethnic Identification'. Contact the DOS Permissible contact(s) for the solicitation if you have any questions.
7. Enter information on disabled or veterans included in the anticipated work force under the appropriate headings.
8. Enter the name, title, phone number and email address for the person completing the form. Sign and date the form in the designated boxes.

**RACE/ETHNIC IDENTIFICATION**

Race/ethnic designations as used by the Equal Employment Opportunity Commission do not denote scientific definitions of anthropological origins. For the purposes of this form, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one race/ethnic group. The race/ethnic categories for this survey are:

- **WHITE** (Not of Hispanic origin) All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- **BLACK** a person, not of Hispanic origin, who has origins in any of the black racial groups of the original peoples of Africa.
- **HISPANIC** a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
- **ASIAN & PACIFIC** a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands.

**ISLANDER**

- **NATIVE INDIAN (NATIVE AMERICAN/ ALASKAN NATIVE)** a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

**OTHER CATEGORIES**

- **DISABLED INDIVIDUAL** any person who:
  - has a physical or mental impairment that substantially limits one or more major life activity(ies)
  - has a record of such an impairment; or
  - is regarded as having such an impairment.
- **VIETNAM ERA VETERAN** a veteran who served at any time between and including January 1, 1963 and May 7, 1975.
- **GENDER** **Male or Female**

## **X. Appendices (For Informational Purposes)**

Appendix 1- Web link to CSBG Statute and Explanation of Terms

Appendix 2 - Federal Poverty Guidelines for 2012

Appendix 3 - Explanation of ROMA

Appendix 4 – List of National Performance Indicators

Appendix 5 – Explanation of Allowable Costs and link to OMB Circulars

Appendix 6 – Standard State Contract (Samples)

Appendix 7 – Samples of Federal Certifications

Appendix 8 – Hatch Act

Appendix 9 -IM 37 – HHS Informational Memo #37

## Appendix 1

### Link to the CSBG Authorizing Legislation (Public Law 105-285):

<http://www.gpo.gov/fdsys/pkg/PLAW-105publ285/html/PLAW-105publ285.htm>

### Explanations for Applicants Providing Services to an Unserved Area

**Eligible Entity:** The term “eligible entity” means an organization which was officially designated as a community action agency or community action program under provisions of the Economic Opportunity Act (EOA) of 1964; the organization serving the migrant and seasonal farmworkers, and, agencies designated by the Governor to serve an unserved area.

**Religious Organization:** the definition of *private nonprofit* includes religious organizations.

**Tripartite Board of Directors:** To be selected as an eligible entity to serve the County of Rockland, the organization must be governed by a tripartite Board of Directors as required by PL 105-285, §676B, and described below.

**Public Officials:** the board shall be composed so as to assure that **one third** of the members are elected public officials holding office on the date of selection, or their representatives, except that if the number willing to serve on the board is less than one third of the membership on the board, membership on the board of appointive public officials or their representatives may be counted in meeting the **one third** requirement.

**Low-income: not fewer than one third** of the members are chosen in accordance with democratic selection procedures adequate to assure that these members are representative of the low-income individuals and families in the neighborhood served.

**Private Sector:** the remainder of the members are officials or members of business, industry, labor, religious, law enforcement, education, or other major groups and interests in the community served.

## Appendix 2

### Federal Poverty Guidelines, FFY 2012

Every year, the federal government establishes poverty guidelines to determine who is financially eligible for particular programs.

The chart below describes the yearly income cutoffs for 2012.

These figures change every year around February and are available at the

[US Department of Health and Human Services](http://aspe.hhs.gov/poverty/12poverty.shtml) website at: <http://aspe.hhs.gov/poverty/12poverty.shtml>

<b>2012 Poverty Guidelines for the 48 Contiguous States and the District of Columbia</b>		
<b>Persons in family/household</b>	<b>100%</b>	<b>125%</b>
<b>1</b>	\$11,170	<b>\$13,963</b>
<b>2</b>	15,130	<b>18,913</b>
<b>3</b>	19,090	<b>23,863</b>
<b>4</b>	23,050	<b>28,813</b>
<b>5</b>	27,010	<b>33,763</b>
<b>6</b>	30,970	<b>38,713</b>
<b>7</b>	34,930	<b>43,883</b>
<b>8</b>	38,890	<b>48,613</b>

For families/households with more than 8 persons, add \$3,960 for each additional person at 100%; add \$4,950 at 125%

**SOURCE:** Source: Federal Register, Vol. 77, No. 17, January 26, 2012

## Appendix 3

### Explanation of Results-Oriented Management and Accountability (ROMA)

**1. Results-Oriented Management and Accountability (ROMA)** a performance-based initiative designed to preserve the anti-poverty focus of community action and to promote greater effectiveness among state and local agencies receiving Community Services Block Grant (CSBG) funds. It involves setting goals and strategies for developing plans and techniques that focus on a result-oriented performance based model for management. ROMA also complies with the Government Performance and Results Act of 1993 (PL 103-62). ([www.ROMA1.org](http://www.ROMA1.org))

#### 2. ROMA Goals and National Performance Indicators

Applicants should have experience and have demonstrated capacity to report outcomes preferably using the ROMA framework. Familiarity with the CSBG National Performance Indicators (NPIs) is a requirement (*Attached*). Consistent with the requirements set forth in GPRA and NPIs, New York State requires all CSBG grantees to report progress toward achieving outcomes projected in their contract work plans based on the National Performance Indicators.

CSBG-funded services in the County of Rockland must include at least one of the six ROMA goals, as stated below:

Goal 1	Low-income people become more self-sufficient. (self-sufficiency)
Goal 2	The conditions in which low-income people live are improved. (community revitalization)
Goal 3	Low-income people own a stake in their community.
Goal 4	Partnerships among supporters and providers of services to low-income people are achieved.
Goal 5	Agencies increase their capacity to achieve results.
Goal 6	Low-income people, especially vulnerable populations, achieve their potential by strengthening family and other supportive systems. (family stability)

## Appendix 4

### National Performance Indicators (NPI) which follow from the six ROMA goals.

#### GOAL 1: Low-Income People Become more Self-Sufficient

##### National Performance Indicator 1.1 -- Employment

The number and percentage of low-income participants in Community Action employment initiatives who get a job or become self-employed, as measured by one or more of the following:

- A. Unemployed and obtained a job
- B. Employed and maintained a job for at least 90 days
- C. Employed and obtained an increase in employment income and/or benefits
- D. Achieved living wage employment and/or benefits

##### National Performance Indicator 1.2 -- Employment Supports

The number of low-income participants for whom barriers to initial or continuous employment are reduced or eliminated through assistance from Community Action, as measured by one or more of the following:

- A. Obtained skills/competencies required for employment
- B. Completed ABE/GED and received certificate or diploma
- C. Completed post-secondary education program and obtained certificate or diploma
- D. Enrolled children in before or after school programs
- E. Obtained care for child or other dependant
- F. Obtained access to reliable transportation and/or driver's license
- G. Obtained health care services for themselves or family member
- H. Obtained safe and affordable housing
- I. Obtained food assistance
- J. Obtained non-emergency LIHEAP energy assistance
- K. Obtained non-emergency Weatherization energy assistance
- L. Obtained other non-emergency energy assistance  
(State/local/private energy programs. Do Not Include LIHEAP or Weatherization)

##### National Performance Indicator 1.3 -- Economic Asset Enhancement and Utilization

The number and percentage of low-income households that achieve an increase in financial assets and/or financial skills as a result of Community Action assistance, and the aggregated amount of those assets and resources for all participants achieving the outcome, as measured by one or more of the following:

- A2. Number and percent of participants who obtained court-ordered child support payments and the expected annual aggregated dollar amount of payments
- A3. Number and percent of participants who were enrolled in telephone lifeline and/or energy discounts with the assistance of the agency and the expected aggregated dollar amount of savings
- B1. Number and percent of participants demonstrating ability to complete and maintain a budget for over 90 days
- B2. Number and percent of participants opening an Individual Development Account (IDA) or other savings account
- B3. Number and percent of participants who increased their savings through IDA or other savings accounts and the aggregated amount of savings
- B4. Of participants in a Community Action assets development program (IDA and others):
  - a) Number and percent of participants capitalizing a small business with accumulated savings
  - b) Number and percent of participants pursuing post-secondary education with accumulated savings
  - c) Number and percent of participants purchasing a home with accumulated savings
  - d) Number and percent of participants purchasing other assets with accumulated savings

**GOAL 2: The Conditions in Which Low-Income People Lives Are Improved****National Performance Indicator 2.1 -- Community Improvement and Revitalization**

Increase in, or safeguarding of, threatened opportunities and community resources or services for low-income people in the community as a result of Community Action projects/initiatives or advocacy with other public and private agencies, as measured by one or more of the following:

- A. Jobs created, or saved, from reduction or elimination in the community
- B. Accessible "living wage" jobs created, or saved, from reduction or elimination in the community
- C. Safe and affordable housing units created in the community
- D. Safe and affordable housing units in the community preserved or improved through construction, weatherization or rehabilitation achieved by Community Action activity or advocacy
- E. Accessible safe and affordable health care services/facilities for low-income people created, or saved from reduction or elimination
- F. Accessible safe and affordable child care or child development placement opportunities for low-income families created, or saved from reduction or elimination
- G. Accessible before-school and after-school program placement opportunities for low-income families created, or saved from reduction or elimination
- H. Accessible new or expanded transportation resources, or those that are saved from reduction or elimination, that are available to low-income people, including public or private transportation
- I. Accessible or increased educational and training placement opportunities, or those that are saved from reduction or elimination, that are available for low-income people in the community, including vocational, literacy, and life skill training, ABE/GED, and post secondary education

**National Performance Indicator 2.2 -- Community Quality of Life and Assets**

The quality of life and assets in low-income neighborhoods are improved by Community Action initiative or advocacy, as measured by one or more of the following:

- A. Increases in community assets as a result of a change in law, regulation or policy, which results in improvements in quality of life and assets
- B. Increase in the availability or preservation of community facilities
- C. Increase in the availability or preservation of community services to improve public health and safety
- D. Increase in the availability or preservation of commercial services within low-income neighborhoods
- E. Increase in or preservation of neighborhood quality-of-life resources

**National Performance Indicator 2.3 -- Community Engagement**

The number of community members working with Community Action to improve conditions in the community.

- A. Number of community members mobilized by Community Action that participate in community revitalization and anti-poverty initiatives
- B. Number of volunteer hours donated to the agency (ALL volunteer hours)

**GOAL 3: Low-Income People Own a Stake in Their Community****National Performance Indicator 3.1 -- Community Enhancement through Maximum Feasible Participation**

The number of volunteer hours donated to Community Action.

Total number of volunteer hours donated by low-income individuals to Community Action

**National Performance Indicator 3.2 -- Community Empowerment through Maximum Feasible Participation**

The number low-income people mobilized as a direct result of Community Action initiative to engage in activities that support and promote their own well-being and that of their community, as measured by one or more of the following:

- A. Number of low-income people participating in formal community organizations, government, boards or councils that provide input to decision-making and policy-setting through Community Action efforts
- B. Number of low-income people acquiring businesses in their community as a result of Community Action assistance
- C. Number of low-income people purchasing their own home in their community as a result of Community Action assistance
- D. Number of low-income people engaged in non-governance community activities or groups created or supported by Community Action

**GOAL 4: Partnerships Among Supporters and Providers of Services to Low-Income People are Achieved****National Performance Indicator 4.1 -- Expanding Opportunities through Community-Wide Partnerships**

The number of organizations, both public and private, that Community Action actively works with to expand resources and opportunities in order to achieve family and community outcomes.

- A. Non-Profit
- B. Faith-Based
- C. Local Government
- D. State Government
- E. Federal Government
- F. For-Profit Business or Corporation
- G. Consortiums/Collaboration
- H. Housing Consortiums/Collaboration
- I. School Districts
- J. Institutions of post secondary education/training
- K. Financial/Banking Institutions
- L. Health Service Institutions
- M. State wide associations or collaborations

**GOAL 5: Agencies Increase Their Capacity to Achieve Results****National Performance Indicator 5.1 -- Agency Development**

The number of human capital resources available to Community Action that increase agency capacity to achieve family and community outcomes, as measured by one or more of the following:

- A. Number of CCAPs
- B. Number of ROMA Trainers
- C. Number of Family Development Trainers
- D. Number of Child Development Trainers
- E. Number of staff attending trainings
- F. Number of board members attending trainings
- G. Hours of staff in trainings
- H. Hours of board members in trainings

**GOAL 6: Low-Income People, Especially Vulnerable Populations. Achieve Their Potential by Strengthening Family and Other Supportive Environments****National Performance Indicator 6.1 -- Independent Living**

The number of vulnerable individuals receiving services from Community Action who maintain an independent living situation as a result of those services:

- A. Senior Citizens (seniors can be reported twice, once under Senior Citizens and again if they are disabled, under Individuals with Disabilities, ages 55-over)
- B. Individuals with Disabilities
  - Ages: 0 - 17
  - 18 - 54
  - 55 - over

**National Performance Indicator 6.2 -- Emergency Assistance**

The number of low-income individuals served by Community Action who sought emergency assistance and the number of those individuals for whom assistance was provided, including such services as:

- A. Emergency Food
- B. Emergency fuel or utility payments funded by LIHEAP or other public and private funding sources
- C. Emergency Rent or Mortgage Assistance
- D. Emergency Car or Home Repair (i.e. structural, appliance, heating system, etc.)
- E. Emergency Temporary Shelter
- F. Emergency Medical Care
- G. Emergency Protection from Violence
- H. Emergency Legal Assistance
- I. Emergency Transportation
- J. Emergency Disaster Relief
- K. Emergency Clothing

**National Performance Indicator 6.3 -- Child and Family Development**

The number and percentage of all infants, children, youth, parents, and other adults participating in developmental or

enrichment programs who achieve program goals, as measured by one or more of the following:

- A.1. Infants and children obtain age-appropriate immunizations, medical, and dental care
- A.2. Infant and child health and physical development are improved as a result of adequate nutrition
- A.3. Children participate in pre-school activities to develop school readiness skills
- A.4. Children who participate in pre-school activities are developmentally ready to enter Kindergarten or 1st grade
- B.1. Youth improve health and physical development
- B.2. Youth improve social/emotional development
- B.3. Youth avoid risk-taking behavior for a defined period of time
- B.4. Youth have reduced involvement with criminal justice system
- B.5. Youth increase academic, athletic, or social skills for school success
- C.1. Parents and other adults learn and exhibit improved parenting skills
- C.2. Parents and other adults learn and exhibit improved family functioning skills

**National Performance Indicator 6.4 -- Family Supports (Seniors, Disabled and Caregivers)**

Low-income people who are unable to work, especially seniors, adults with disabilities, and caregivers, for whom barriers to family stability are reduced or eliminated, as measured by one or more of the following:

- A. Enrolled children in before or after school programs
- B. Obtained care for child or other dependant
- C. Obtained access to reliable transportation and/or driver's license
- D. Obtained health care services for themselves or family member
- E. Obtained safe and affordable housing
- G. Obtained non-emergency LIHEAP energy assistance
- H. Obtained non-emergency WX energy assistance
- I. Obtained other non-emergency energy assistance

**National Performance Indicator 6.5 -- Service Counts**

The number of services provided to low-income individuals and/or families, as measured by one or more of the following:

- A. Food Boxes
- B. Pounds of Food
- C. Units of Clothing
- D. Rides Provided
- E. Information and Referral Calls

## Appendix 5

### EXPENDITURE DESCRIPTIONS FOR BUDGET PREPARATION

#### Explanations of selected items of allowed or disallowed costs under each cost category

#### 1. **PERSONNEL SERVICES:**

##### a. SALARIES AND WAGES

The gross amount of salaries and wages before any payroll deductions. Included are: all payments for personal services of full-time, part-time or temporary agency employees (not volunteers).

**ALLOWABLE WITH PRIOR APPROVAL:** Overtime premiums, extra-pay shifts and multi-shift work, except for the following (which do not need prior approval):

1. when necessary to cope with an emergency
2. when employees are performing indirect functions

Not included: Services provided by professional or technical consultants (which are included in 3.a., Consultants).

##### b. FRINGE BENEFITS

Percentage of total salary for all paid personnel charged to CSBG.

##### Payroll Taxes

Agency share of Social Security, unemployment and other taxes based upon payroll amount.

##### Employee Benefits

Benefits paid by agency on behalf of employees including retirement contributions, health, and life insurance.

#### 2. **DELEGATE AGENCIES:**

The total dollar amount of contracts entered into by recipient with not-for-profit corporations for the performance of certain portions of the work. The contract must have prior approval from the Department and must include a summary of the budget and work program. Selection of delegate agencies must be consistent with guidelines established in Program Instruction 96-04, issued April 15, 1996.

#### 3. **CONTRACTUAL SERVICES/AUDIT:**

Professional and technical services needed for the operation of the CSBG funded program, for which the grantee lacks the necessary expertise, and can demonstrate the economy of contracting out rather than direct employment.

Excluded are:

1. costs for financial counsel used solely to enhance income from investments;
2. legal, accounting and consultant services cost incurred in connection with prosecution of claims against the grantor; and
3. costs incurred in connection with organization or reorganization, unless specifically provided for in the allocation award.

Note: It may be necessary to submit IRS Form SS-8 for persons hired as consultants.

##### a. CONSULTANTS

Professional and technical specialists retained on a project-specific basis, for counsel, research, training, and other specialized activities, as set forth in the approved work program.

##### b. BOOKKEEPING

##### c. DATA PROCESSING

Technical services such as automated payroll service and other administratively related data processing services.

##### d. OTHER CONTRACTUAL SERVICES

Project related services including data processing and analysis not provided under consultant contracts.

#### 4. **EQUIPMENT PURCHASE/LEASE:**

Non-expendable personal property with a unit cost of \$5,000 or more and having a useful life of more than one year.

Items purchased that increase the capacity or efficiency of items with original acquisition cost of \$5,000 or more and having a useful life of more than one year must be included under this section. This subsequent purchase does not necessarily have to meet the minimum threshold to apply. For example, a telephone with a cost of under \$5,000, added to an already established phone network, will now be included under purchase and lease.

Purchase and lease of such items must comply with contract bidding requirements. Items with a unit acquisition cost in excess of \$5,000 must be listed.

Information Technology (IT) equipment is defined as general purpose equipment and is, therefore, unallowable as a direct charge except where approved in advance by the awarding agency. If allowed, IT equipment is subject to the above regulations. IT equipment includes telecommunications, information processing, data processing, business and multi-media equipment.

Purchases

Total cost of equipment and other non-consumable item purchases.

Leases/Rentals

Total cost of lease or rental equipment and other non-consumable items. Justification for lease vs. purchase must be on file at the grantee office.

**5. OTHER DIRECT COSTS:**

a. BANK CHARGES

Fees for checks, charges for monthly statements.

b. BENEFICIARY CLIENT COSTS

Cost other than travel, such as tuition and educational fees, advertising program availability, subsistence allowances paid to or on behalf of clients.

Consumable supplies used by clients, including personal articles such as clothing, bedding, toiletries, etc., used or consumed directly by clients benefitting from the CSBG program.

Food consumed by clients in connection with programs, including foodstuffs purchased and prepared for client consumption at the program site, and food pantry stock.

c. BOARD ALLOWANCE AND DEVELOPMENT

Provision of reasonable allowance for board training, development and participation at board and committee meetings.

Not included is travel which is included in category 5.l., Travel.

d. CONSUMABLE SUPPLIES

Office Supplies and Minor Accessories

All types of consumable office supplies including: writing instruments, stationery, printed forms, reproduction and photocopying supplies, and all other supply items commonly used in office operation.

Program Supplies and Minor Equipment

Consumable program supplies such as books, printed forms and materials, recreational supplies, educational supplies, films and visual aids, and other supplies used for day-to-day operation of programs.

Maintenance Supplies

Maintenance or janitorial supplies such as cleaning materials, soap, disinfectant, paper towels.

(NOTE: This category does not include items "consumed" by beneficiaries, such as food, household goods, toiletries, etc.)

e. EMPLOYEE DEVELOPMENT AND RECRUITMENT

Costs such as dues to professional organizations, tuition, seminar and conference fees, and educational programs for employee development. Costs for recruitment of new employees, including advertising for employees, relocation expenses or allowances, background and credit investigations, and other costs relative to improving, developing, and securing recipient personnel.

f. INSURANCE AND BONDING

Insurance premiums for all types of insurance which protect the recipient against loss.

Not included are: insurance for the benefit of employees (see category 1.b Fringe) or insurance for recipient owned/leased vehicles (see category 5.l., Travel, Agency Vehicle Related Expenses).

g. POSTAGE, FREIGHT AND EXPRESS

Postage including stamps and special handling costs, freight and express mail charges, and any other costs of transporting materials, documents, or communications.

Not included are: costs of transporting equipment purchased from manufacturer or seller which would be part of equipment cost in category 4, Equipment Purchase/Lease.

- h. **PUBLICATIONS, PRINTING AND SUBSCRIPTIONS**  
Publications and books, subscriptions to periodicals and newspapers, printing of recipients' interim and annual reports, newsletters, informational materials, employee tests, etc.
- i. **REPAIRS AND SERVICES**  
Maintenance of office equipment and furniture, program equipment, photographic services, mailing and typing services, and other non-professional, non-technical services.  
Not included are: professional technical services which should be included in category 3.a., Consultants.
- j. **SPACE COSTS**  
Total amount for the year, including the following allowable categories.  
**Rental/Lease**  
Rent for space occupied pursuant to lease agreements.  
Per the Department of State memorandum dated January 25, 1991 to all CSBG grantees, guidance was given regarding space costs and real property acquisition costs allowable under the CSBG program. Grantees should refer to Office of Management and Budget (OMB) Circular A-122, Attachment B, Paragraph 43 for a definition of "**greater-** and **less-than-arms-** length lease agreements" to determine which type of lease agreement they have. Briefly, the memorandum stated the following:  
  
**GREATER-THAN-ARMS-LENGTH LEASES**  
Space costs may be recovered in an amount equal to the monthly rent plus actual operating expenses (heat, light, maintenance) incurred during the contract period. Where appropriate, space costs and operating expenses must be prorated over the entire fiscal year.  
  
**SUBGRANTEE PROPERTY ACQUISITIONS and LESS-THAN-ARMS-LENGTH LEASES**  
Subgrantees who acquire a facility and subsequently lease space to the CSBG program must clearly demonstrate that the corporation, and not the grant, is committed to the mortgage.  
  
For specific information on how to compute allowable space costs in situations where property acquisition and less-than-arms-length leases are involved, grantees should refer to the 1/25/91 memo or contact the assigned fiscal field representative.  
**Maintenance**  
Maintenance, janitorial, pest extermination, snow removal, and refuse collection services where these services are not furnished by the lessor of property.  
**Utilities**  
Water, electricity, gas heat, etc., which are not furnished by the landlord under the lease agreement.  
**Other Space Costs**  
Security services, alarm systems, cost for changing business locations, etc.
- k. **TELEPHONE AND ELECTRONIC COMMUNICATIONS**  
General operating expenses and service facilities for telephones and other electronic communication costs, including local and long distance charges, telegraph, facsimile.
- l. **TRAVEL**  
Total amount for the year. Travel guidelines approved by the board of directors must be submitted or updated annually. Guidelines allowing expenses in excess of the industry norm must be justified. If not properly justified, expenses will be capped at the current state rate.  
Allowable expenses include agency vehicle related expenses and employee, beneficiary, and board member travel on agency-related business. Travel expenses from these persons must comply with grantee travel guidelines as submitted.
- m. **VOLUNTEER AND EMPLOYER FURNISHED SERVICES**  
**Volunteer Services**  
The value of volunteer time (including basic fringe benefits that would otherwise be paid for the title) donated to carry out services and activities funded by or supported with CSBG funds (excluding service on the board of directors). The rate charged for volunteer time should be consistent with the organization's pay scale for similar work. Should the particular skill or type of work not be found within the organization, rates consistent within the labor market in which the organization competes should be used.

Employer Furnished Services

The value of services provided by an employer, who is not the grantee, will be the documented rate of pay (including fringe benefits) for the employee.

n. MARKETING/PUBLIC AWARENESS/OUTREACH

Includes community relations and means those activities dedicated to maintaining the image of the organization or maintaining or promoting understanding and favorable relations with the community or public at large.

Allowable public relations/marketing costs are costs of communicating with the public pertaining to specific activities or accomplishments resulting from the performance of sponsored awards (these costs are considered outreach effort). Also, the costs of conducting general liaison to keep the public informed on matters of public concern such as notices of contract/grant awards and financial matters are allowed.

Costs of promotional items and memorabilia and costs designed solely to promote the non-profit organization are unallowable.

o. TECHNOLOGY

Includes individual items used for information technology (IT) not exceeding \$5000.

Allowable technology costs include computers, printers, scanners, servers, fax machines, software packages and licenses, and other IT related supplies or services (cables, work stations, professional installation, etc).

Items over \$5000 must be included in Equipment or Contractual Services.

p. UNALLOWABLE COSTS INCLUDE, BUT ARE NOT LIMITED TO:

1. Alcoholic beverages
2. Bad debts, including any related collection and legal costs
3. Charitable contributions and donations by the organization to others
4. Contingency reserves
5. Entertainment costs, unless associated with employee morale or meetings related to a specific cost objective
6. Fines and penalties resulting from violations by the organization or employees of Federal, State and Local laws and regulations
7. Fund-raising costs incurred solely to raise capital or obtain contributions
8. Goods or services for personal use of employees
9. Idle facilities, unless necessary due to fluctuations in workload
10. Insurance of lives of trustees, officers or employees when the organization is a beneficiary
11. Lobbying costs as identified in OMB Circular A-122
12. Losses from other awards
13. Memberships in country clubs, social clubs or dining clubs
14. Taxes:
  - a. Federal income taxes
  - b. Taxes for which exemptions are available to the organization directly or via the Federal government

**6. APPROVED INDIRECT COST:**

Percentage rate approved by cognizant agency as applied to approved federal fund expenditure base.

**Attach a copy of the current indirect cost rate approval.**

For more information on allowable costs, audit requirements and managing federal grants refer to OMB circulars A-110, A-122, and A-133 located on the internet: [www.whitehouse.gov/omb/circulars](http://www.whitehouse.gov/omb/circulars)

## Appendix 6

### STANDARD CLAUSES FOR NYS CONTRACTS

December 2011

#### STANDARD CLAUSES FOR NYS CONTRACTS

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, "the contract" or "this contract") agree to be bound by the following clauses which are hereby made a part of the contract (the word "Contractor" herein refers to any party other than the State, whether a contractor, licensor, licensee, lessor, lessee or any other party):

**1. EXECUTORY CLAUSE.** In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

**2. NON-ASSIGNMENT CLAUSE.** In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the State's previous written consent, and attempts to do so are null and void. Notwithstanding the foregoing, such prior written consent of an assignment of a contract let pursuant to Article XI of the State Finance Law may be waived at the discretion of the contracting agency and with the concurrence of the State Comptroller where the original contract was subject to the State Comptroller's approval, where the assignment is due to a reorganization, merger or consolidation of the Contractor's business entity or enterprise. The State retains its right to approve an assignment and to require that any Contractor demonstrate its responsibility to do business with the State. The Contractor may, however, assign its right to receive payments without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

**3. COMPTROLLER'S APPROVAL.** In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed \$85,000 (State Finance Law Section 163.6.a).

**4. WORKERS' COMPENSATION BENEFITS.** In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

**5. NON-DISCRIMINATION REQUIREMENTS.** To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and

Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

**6. WAGE AND HOURS PROVISIONS.** If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law. Additionally, effective April 28, 2008, if this is a public work contract covered by Article 8 of the Labor Law, the Contractor understands and agrees that the filing of payrolls in a manner consistent with Subdivision 3-a of Section 220 of the Labor Law shall be a condition precedent to payment by the State of any State approved sums due and owing for work done upon the project.

Standard Clauses for NYS Contracts 2 December 2011

**7. NON-COLLUSIVE BIDDING CERTIFICATION.** In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a noncollusive bidding certification on Contractor's behalf.

**8. INTERNATIONAL BOYCOTT PROHIBITION.** In accordance with Section 220-f of the Labor Law and Section

139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

**9. SET-OFF RIGHTS.** The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

**10. RECORDS.** The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, "the Records"). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

**11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION.** (a) Identification Number(s). Every invoice or New York State Claim for Payment submitted to a New York State agency by a payee, for payment for the sale of goods or services or for transactions (e.g., leases, easements, licenses, etc.) related to real or personal property must include

the payee's identification number. The number is any or all of the following: (i) the payee's Federal employer identification number, (ii) the payee's Federal social security number, and/or (iii) the payee's Vendor Identification Number assigned by the Statewide Financial System. Failure to include such number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or Claim for Payment, must give the reason or reasons why the payee does not have such number or numbers.

(b) Privacy Notification. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law. (2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in the Statewide Financial System by the Vendor Management Unit within the Bureau of State Expenditures, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

**12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN.** In accordance with Section 312 of the Executive Law and 5 NYCRR 143, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess Standard Clauses for NYS Contracts 3 December 2011 of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then the following shall apply and by signing this agreement the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that: (a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, or termination and rates

of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of "a", "b", and "c" above, in every subcontract over \$25,000.00 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 Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

**13. CONFLICTING TERMS.** In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

**14. GOVERNING LAW.** This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

**15. LATE PAYMENT.** Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

**16. NO ARBITRATION.** Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

**17. SERVICE OF PROCESS.** In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service

of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

**18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS.** The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in §165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

**19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES.** In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Standard Clauses for NYS Contracts 4 December 2011 Finance Law), and shall permit independent monitoring of compliance with such principles.

**20. OMNIBUS PROCUREMENT ACT OF 1992.** It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts.

Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development  
Division for Small Business

30 South Pearl St -- 7<sup>th</sup> Floor

Albany, New York 12245

Telephone: 518-292-5220

Fax: 518-292-5884

<http://www.empire.state.ny.us>

A directory of certified minority and women-owned business enterprises is available from:

NYS Department of Economic Development

Division of Minority and Women's Business Development

30 South Pearl St -- 2<sup>nd</sup> Floor

Albany, New York 12245

Telephone: 518-292-5250

Fax: 518-292-5803

<http://www.empire.state.ny.us>

The Omnibus Procurement Act of 1992 requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

- (a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;
- (b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;
- (c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and
- (d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

**21. RECIPROCITY AND SANCTIONS PROVISIONS.**

Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

**22. COMPLIANCE WITH NEW YORK STATE INFORMATION SECURITY BREACH AND NOTIFICATION ACT.**

Contractor shall comply with the

provisions of the New York State Information Security Breach and Notification Act (General Business Law Section 899-aa; State Technology Law Section 208).

**23. COMPLIANCE WITH CONSULTANT DISCLOSURE LAW.**

If this is a contract for consulting services, defined for purposes of this requirement to include analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal or similar services, then, in accordance with Section 163 (4-g) of the State Finance Law (as amended by Chapter 10 of the Laws of 2006), the Contractor shall timely, accurately and properly comply with the requirement to submit an annual employment report for the contract to the agency that awarded the contract, the Department of Civil Service and the State Comptroller.

**24. PROCUREMENT LOBBYING.** To the extent this agreement is a "procurement contract" as defined by State Finance Law Sections 139-j and 139-k, by signing this agreement the contractor certifies and affirms that all disclosures made in accordance with State Finance Law Sections 139-j and 139-k are complete, true and accurate. In the event such certification is found to be intentionally false or intentionally incomplete, the State may terminate the agreement by providing written notification to the Contractor in accordance with the terms of the agreement.

**25. CERTIFICATION OF REGISTRATION TO COLLECT SALES AND COMPENSATING USE TAX BY CERTAIN STATE CONTRACTORS, AFFILIATES AND SUBCONTRACTORS.**

To the extent this agreement is a contract as defined by Tax Law Section 5-a, if the contractor fails to make the certification required by Tax Law Section 5-a or if during the term of the contract, the Department of Taxation and Finance or the covered agency, as defined by Tax Law 5-a, discovers that the certification, made under penalty of perjury, is false, then such failure to file or false certification shall be a material breach of this contract and this contract may be terminated, by providing written notification to the Contractor in accordance with the terms of the agreement, if the covered agency determines that such action is in the best interest of the State.

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## Appendix 7

**(The following is for information only. These Certifications must be completed only by the organization which is awarded the contract for Rockland.)**

### Federal Certifications

#### CERTIFICATION REGARDING LOBBYING

##### Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

##### Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

Title

Organization

Date

#### CERTIFICATION REGARDING ENVIRONMENTAL TOBACCO SMOKE

Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994, requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 per day and/or the imposition of an administrative compliance order on the responsible entity. By signing and submitting this application, the applicant/grantee certifies that it will comply with the requirements of the Act.

The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

Signature

Title

Organization

Date

**CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS**

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:  
*Controlled substance* means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);  
*Conviction* means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;  
*Criminal drug statute* means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;  
*Employee* means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

**Alternate I. (Grantees Other Than Individuals)**

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about --
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

**Certification regarding Drug-Free Workplace, continued**

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

[55 FR 21690, 21702, May 25, 1990]

Signature

Title

Organization

Date

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS**Transactions Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Instructions for Certification

1. The prospective lower tier participant is required to sign the attached certification. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transaction," without modification, in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

**Certification Regarding Debarment, Suspension And Other Responsibility Matters (CONTINUED)**

Transactions Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal concerning each statement to which certification has not been made.

Signature  
Title  
Organization  
Date

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## Appendix 8

### The Hatch Act: Who is Covered?

The Hatch Act restricts the political activity of individuals principally employed by state or local executive agencies and who work in connection with programs **financed in whole or in part by federal loans or grants**. Usually, employment with a state or local agency constitutes the principal employment of the employee in question. However, when an employee holds two or more jobs, principal employment is generally deemed to be that job which accounts for the most work time and the most earned income.

The following list offers examples of the types of programs which frequently receive financial assistance from the federal government: public health, public welfare, housing, urban renewal and area redevelopment, employment security, labor and industry training, public works, conservation, agricultural, civil defense, transportation, anti-poverty, and law enforcement programs.

Hatch Act provisions also apply to employees of private, nonprofit organizations that plan, develop and coordinate federal Head Start or **Community Service Block Grant** programs.

State and local employees subject to the Hatch Act continue to be covered while on annual leave, sick leave, leave without pay, administrative leave or furlough.

## Appendix 9 – Link to IM 37

**Link:** <http://www.acf.hhs.gov/programs/ocs/csbg/guidance/im37.html>

The CSBG reauthorization requires that HHS provide a report to Congress that includes use of CSBG funds by grantees by expenditures on *direct* and *administrative* functions (42 U.S.C. § 9917(b)(2)(B)(1999). HHS Information Memorandum #37 was created to ensure consistency in assigning costs to these categories.

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