



# **Office for New Americans Hotline Request for Applications # 16-ONA-2 Grant Proposal and Instructions**

## **KEY DATES**

<b>Release Date:</b>	June 29 <sup>th</sup> , 2016
<b>Questions Due Date:</b>	July 7 <sup>th</sup> , 2016
<b>Updates &amp; Responses to Questions Posted Date:</b>	July 11th, 2016
<b>Application Due Date:</b>	July 29th, 2016 at 4:00pm
<b>Contract Start Date:</b>	January 1, 2017

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**Proposal Submission:**

Chet Fiske, Contract Administration Unit  
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Office for New Americans, #16-ONA-2  
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## Table of Contents

<b>I. Office for New Americans Hotline (ONA Hotline) .....</b>	<b>2</b>
<b>II. Scope of Required Services .....</b>	<b>4</b>
<b>III. Funding.....</b>	<b>5</b>
<b>IV. Application Procedures.....</b>	<b>8</b>
<b>V. Application Evaluation .....</b>	<b>10</b>
<b>VI. Award and Contract Administration.....</b>	<b>13</b>
<b>Appendix 1 Application .....</b>	<b>20</b>
<b>Appendix 2 MWBE.....</b>	<b>22</b>
<b>Appendix 3 Budget Summary .....</b>	<b>25</b>

# **I. Office for New Americans Hotline (ONA Hotline)**

## **Introduction**

Pursuant to “The Immigrant Assistance Service Enforcement Act” of 2014 (Executive Law § 94-b), the Office for New Americans is required to establish a toll free multi-lingual hotline to disseminate information and referrals on programs and services available to new Americans, and to receive and refer complaints of fraud and other related crimes against immigrants to appropriate government offices.

To address this need, the New York State Office for New Americans (ONA) seeks one qualified organization able to serve as a centralized source of information on resources and services for new Americans to operate and maintain the toll-free multi-lingual hotline program as described above and herein.

## **ONA Hotline Program Overview**

Pursuant to Executive Law § 94-b(5)(h), this Request for Applications (RFA) seeks organizations within New York State that have the ability to establish and maintain a toll-free multi-lingual hotline. The purpose for this hotline includes, but is not limited to, dissemination of information about the programs and services offered by the Office for New Americans, referral for services, and receipt of complaints relating to fraud and other related crimes against new Americans.

The ONA Hotline will be a toll-free statewide new American information and referral hotline that ensures anonymity of the caller and provides callers with referrals to a range of service providers in New York State. The hotline will also provide information to address other new American service needs, as determined in conjunction with the callers. For this reason the administrating organization for this reason will also be required to create and maintain a Statewide Resource Directory, and update it on a yearly basis.

Each applicant for this funding must describe their experience providing hotline services, their current organizational capacity to host such services, and provide a detailed description of the services they will offer, and a detailed budget.

## **Eligible Applicants**

Not-for-Profit Organizations located within New York State are eligible for funding under this RFA. Not-for-Profit Organization shall mean any not-for-profit corporation exempt from taxation under section 501(c)(3) of the Internal Revenue Code . All applicants are required to have been in continuous operation as an eligible entity as described above for a minimum of three years. All applicants must be pre-qualified within the Grants Gateway by the “Application Due Date” listed on the cover page of this RFA.

Eligible applicants are required to have experience and/or demonstrated ability to provide a hotline to answer telephone calls and provide referrals in multiple languages, with a focus on providing the services listed in this RFA in a culturally competent manner. Eligible applicants should have experience in providing information and referrals related to naturalization and other service needs to new Americans residing in

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New York State. Eligible applicants are also required to demonstrate knowledge of a network of statewide community-based providers of immigrant services, particularly citizenship services and a network of social service providers.

In addition, an eligible applicant, if awarded, shall be required to meet all of the following minimum criteria:

- The capacity to answer a minimum of 20,000 calls a year and provide a minimum of 30,000 referrals annually;
- The capacity to conduct phone conversations in any language spoken in New York State;
- The capacity to expand service to conduct conversations or text messaging in English, Spanish, and two other languages;
- The ability to operate the ONA Hotline for a minimum of eleven (11) hours a day Monday through Friday, excluding Federal holidays;
- The ability to provide referrals and information for all ONA programs targeted to new Americans (e.g., Opportunity Centers), as well as other immigration-related public and private programs, and relevant service programs as determined by ONA and as available within New York State (e.g., housing, employment, education, business development);
- The ability to produce and annually maintain a directory of resources and services available within the State for new Americans;
- The capacity to implement and maintain the ONA Hotline, and related services, for the entire term of the contract, regardless of whether the award amount for each budget period is achieved prior to the end date of the budget period; and
- The capacity to train hotline staff to respond to changing needs/issues affecting the new American population.

## **II. Scope of Required Services**

### **Overview**

This section discusses the required activities and documentation requirements for successful applicants. All services will be provided by the successful applicant.

### **Calls and Referrals for Area Services**

The ONA Hotline call center will:

1. Have the ability to receive hotline calls between the hours of 9:00am until 8:00pm on regular business days.
2. Be able to receive calls in any language spoken in New York State, either through a multilingual call center employee or through a telephonic translation service.
3. Have strict and comprehensive privacy measures in place to protect the identity of the callers.
4. Submit an easy to understand monthly report that includes the number of phone calls answered, number of referrals made, and a list of agencies to which callers were referred.
5. Provide in-depth training to their employees on a regular basis to ensure the highest levels of professional competency and responsiveness to changing community issues.

### **Maintenance of a Statewide Resource Directory**

A Statewide Resource Directory will be maintained at all times on a continual and consistent basis. This directory will include the following:

1. Agencies to which hotline callers may be referred, including public or private agencies, county or municipal governments, and not for profit corporations, throughout the entire State of New York.
2. Contact information for the entities listed above, including phone numbers, addresses, fax numbers, email addresses, websites, and types of services provided.

### **Immigration Fraud Assistance**

The ONA Hotline call center will:

1. Make appropriate referrals to the Attorney General and/or appropriate Federal agency/District Attorney's office upon receipt and logging of complaint.
2. Maintain a Statewide Immigration Fraud directory log to track like cases.
3. Stay up to date on current issues on immigration fraud.

### **Text**

The applicant should have the ability to expand services to include a text function. The text function as mentioned in this RFA refers to any system that has the capability to send and receive texts, to and from mobile phones. This potential future expansion should include, but is not limited, to the following:

1. Have the ability to receive texts from the hours of 9:00am until 8:00pm on regular business days.
2. Be able to answer text requests in 4 languages including English, Spanish, and two others.
3. Incorporate in the monthly report the number of text conversations received including the number of referrals made and list of agencies to which client's texts were referred.

## III. Funding

### Funding and Project Period

ONA is making up to \$3,125,000 available for this RFA, providing a single award to one organization that will serve as the statewide Office for New Americans Hotline for a five (5) year term. Funds for this grant in the initial year will not exceed \$625,000. For each subsequent year, the funding will not exceed \$625,000 and is contingent upon funds being appropriated in the State budget and the organization's ability to meet the program requirements in each of the years of the contract as stipulated in this RFA.

### Funding Strategy

To effectively target resources and to obtain the most cost effective result, ONA has determined that the number of calls and texts answered and the number of referrals completed are the two principal outcomes that the ONA will reimburse for under the service contract. ONA is seeking prospective applicants who can demonstrate that they can provide and maintain a Hotline to achieve these outcomes in a well-defined and cost effective manner.

In addition to the calls and texts answered and referrals completed, the contractor will be required to produce and maintain an annual directory of statewide new American and refugee resources. This is a reimbursement payment point.

### Payment Points

This section discusses Payment Point Definitions and Documentation Requirements. The information is to help applicants as it assists them in the development of their plan to implement each payment point. It defines the parameters of each payment point and will guide the applicant in projecting the service levels and allocating funds to each payment point.

ONA requires that documentation supporting all payment points be provided. All proposals should take into account that a greater number of referrals may be completed than calls answered, since a call may generate several referrals. In the case where more than one referral is generated from a single call, the cost for all referrals generated from that call will be capped at two (2) times the single referral rate, regardless of the number of referrals made from that call. However all referrals made must be tracked for purposes of program outcome reporting. The documentation requirements for the payment points described below may be amended to include additional statistics, based upon a mutual agreement between ONA and the contractor. ONA reserves the right to conduct call monitoring, including but not limited to live on-site call audits.

<b>Payment Point</b>	<b>Documentation Required</b>
Phone calls/texts answered	A report submitted to ONA on a monthly basis that includes data requested by the ONA verifying the number of hotline calls answered.

Referrals completed	A report submitted to ONA on a monthly basis that includes the caller case number and the name and phone number of each entity to which the caller was referred, along with date and time of each such referral.
Development of a Statewide Directory	<p>A copy of the initial directory to be made available to ONA (electronically) that includes:</p> <ol style="list-style-type: none"> <li>1. Agencies to which hotline callers may be referred.</li> <li>2. Public or private agencies, county or municipal governments, and not-for-profit corporations, for areas in the state where new Americans reside.</li> <li>3. Contact information for the agencies, including phone number, address, website, and types of services provided.</li> </ol>
Annual Update of Statewide Directory	<p>A copy of the updated directory made available to ONA (electronically) that includes:</p> <ol style="list-style-type: none"> <li>1. Agencies to which hotline callers may be referred.</li> <li>2. Public or private agencies, county or municipal governments, and not-for-profit corporations, for areas in the state where new Americans reside.</li> <li>3. Contact information for the agencies, including phone number, address, website, and types of services provided.</li> </ol>

## Payment Rates

Bidders must include a pricing proposal (Attachment 3) for the provision of services requested in this RFA. Pricing proposals shall include rates for:

- Phone Calls/texts Answered
- Referrals Completed
- Development of a Statewide Directory
- Annual updates to the Statewide Directory

For the purposes of this proposal, bidders should use the following number of calls when calculating Total Cost:

- Phone Calls Answered – 20,000
- Referrals Completed – 30,000

## Eligible Expenses

ONA funds may be used for the following purposes:

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1. Calls answered, referrals made;
2. When applicable, texts made and referrals made for these texts;
3. To provide services to persons in the State under the color of the law, regardless of gender, race, color, national origin, sexual orientation, religion, age, disability, marital status, military status, domestic violence victim status, or genetic predisposition or carrier status;
4. Facility rental costs not to exceed more than 20% of the total approved budget;
5. Technological purchases directly related to and for the dedicated use of the provision of services set forth in the agreement (e.g. telecommunication system, computer hardware and software, website maintenance etc.);
6. Costs to develop training materials and resources for use by call center employees to maintain a high level of service to new Americans in New York State;
7. Costs of advertising materials utilized towards the promotion and dissemination of information for the Hotline, with prior approval of cost/content/distribution media from the Office for New Americans.

### Ineligible Expenses

ONA funds may not be used for the following purposes:

1. Capital improvements.
2. Contingency provisions.
3. Fines and penalties.
4. Bad debts.
5. Purchasing annual ads in gala event brochures, or other forms of donations or other forms of fundraising.
6. Donations or contributions.
7. Entertainment costs.
8. Idle facilities and idle capacity.
9. Interest expense.
10. Lobbying expense.
11. Losses on other sponsored agreements or contracts.
12. Costs of organized fundraising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions.
13. Profit/Fee is not allowable except when subcontracting for routine goods and services with commercial organizations.
14. Foreign travel.
15. Construction costs and purchase of real property under this funding opportunity.
16. Pre-award costs.
17. Funding for direct reimbursement of proposal development.
18. Costs for food or refreshments for staff.
19. General volunteer stipends.
20. Living allowances for any national volunteer service program participants.
21. Advertising for purposes other than the recruitment of clients.
22. Public relations for other than reporting progress.
23. Promotional items and memorabilia.
24. Meetings relating to fund-raising.
25. General-purpose equipment, e.g. office furnishings, air conditioning, reproduction and printing equipment.
26. Alcoholic beverages.
27. Any other cost item that is not reasonable or necessary in furtherance of the work plan and project described herein.

# IV. Application Procedures

## Application Questions and Updates

All questions regarding this competitive grant program must be submitted in writing, and received on or before the Questions Due date as stated on the cover of this RFA, and sent via email to [ONAHotlineRFA@dos.ny.gov](mailto:ONAHotlineRFA@dos.ny.gov). All e-mails should clearly indicate in the subject line: ONA Hotline Application, General Question. No responses will be provided to inquiries made by telephone. Questions and answers will be posted at [www.dos.ny.gov](http://www.dos.ny.gov) on the date stated on the cover of this RFA.

## Application Submission

One complete original application, plus three exact copies of each application must be submitted (for a total of 4). All submissions must contain the complete application, including attachments. All applications must be delivered to:

Mr. Chet Fiske, Contract Administration Unit  
New York State Department of State  
Bureau of Fiscal Management  
RFA #16-ONA-02  
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 and must be received by the due date and time stated on the cover of this RFA. **Late applications will not be considered.**

## Application Format

### Experience

1. Describe your organization's experience in providing services to the new Americans population.
2. Describe your organization's experience in providing hotline services.
3. Describe your organization's working relationship with organizations that provide services to the New American population.
4. Describe other programs and/or services your organization has experience offering and how those programs will be used to enhance the effectiveness of the ONA Hotline.

### Capacity

1. How will your organization utilize your current expertise and capacity to implement hotline services?
2. Describe your organization's internal monitoring system and demonstrate how the system is utilized to effectively identify program, personnel, and fiscal issues.
3. Prepare a timeline, ending at the end of the contract to delineate when crucial stages of preparation for the provision of the requested services will begin. If your organization does not currently offer services of this nature include in this timeline a startup period.
4. In an attachment, include a job description, including required qualifications, for each proposed staff position with the submitted application. This is required for all staff supporting the project

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including funded staff and in-kind staff. Submit this attachment as Attachment 3 “Job Descriptions of Key Staff.”

5. Describe the facilities in which the proposed call center will be housed including the call management system that will be used for incoming calls

### Service Description

1. Describe your organization’s ability to receive hotline calls and make referrals to outside service organizations from 9:00am to 8:00pm on regular business days.
2. Describe your organization’s ability to receive calls in any language, either through a multi lingual call center employee or through a telephonic translation service. Please include a flow chart depicting the call and referral process.
3. Describe how your organization will collect the information needed for a monthly report out to the Office for New Americans, including both calls and text requests.
4. How will your organization create and or maintain an updated directory of statewide services for the New American population?
5. Describe how your organization will publicize the hotline outside of the publicity that the Office for New Americans already provides.
6. Describe your organization’s ability to expand to provide a text function that will have the ability to receive texts from the hours of 9:00am until 8:00pm on regular business days, as well as be able to answer text requests in 4 languages including English, Spanish, and two others
7. Describe how your organization will make referrals of immigration fraud as well as how these referrals will be logged.

### Budget

Submit budget as Attachment 3 Budget Summary with the following:

1. Submit a detailed budget for the first year not to exceed a total of \$625,000. The budget should contain the per call/referral costs as well as the development of a Statewide Directory and annual update cost that will be used to calculate the total cost. Total costs should be calculated based on the minimum number of 20,000 calls a year and the minimum of 30,000 referrals annually. Please use the ONA Hotline budget summary form to provide this information.

## V. Application Evaluation

The following criteria must be met to qualify applications for consideration; failure to meet the criteria will result in disqualification of the application. Applications that are disqualified will not be evaluated for award consideration. A contract will be awarded to the applicant that scores the highest in the evaluation.

### Pass/Fail

- Application **MUST** be received by the stated due date and time.
- Applicant **MUST** be a not-for-profit organization with 501(c)(3) IRS status operating continuously for the last three years.
- Applicant **MUST** be pre-qualified with the NYS Grants Gateway at the time of application submission.

### Evaluation Criteria

Applications that pass the initial screening will be evaluated individually by an ONA Review Team. Reviewers will use the evaluation criteria listed herein to review and score applications. Each reviewer will assign a score up to a maximum of 100 points to each application; individual scores will be added and averaged to determine the applicant's score.

#### Experience – 20 points

This section is intended to measure the level of experience that the applicant brings to bear. Applicants will be scored on each of the following criteria and may be awarded up to 20 Total points for this section. Each criterion has a corresponding question within the application.

Experience	Possible Points
E.1. General Experience	5
E. 2. Hotline Experience	5
E. 3. Working with service providers	5
E. 4. Other programs or services your organization offers	5

#### Capacity – 25 points

This section is intended to measure the level of capacity that the applicant brings to bear. Applicants will be scored on each of the following criteria and may be awarded up to 25 Total points for this section. Each criterion has a corresponding question within the application.

Capacity	Possible Points
C. 1. Description of expertise	5
C. 2. Description of internal monitoring system	5
C. 3. Preparation Timeline	5
C. 4. Key Staff Attachment	5
C. 5. Facility Description	5

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### Service Description – 35 points

This section is intended to measure the level of service that the applicant intends to provide upon award of the contract. Applicants will be scored on each of the following criteria and may be awarded up to 35 Total points for this section. Each criterion has a corresponding question within the application.

Service Description	Points
S.1. Ability to receive calls and make referrals.	5
S. 2. Ability to receive calls in any language	5
S. 3. Creation of monthly report to ONA	5
S. 4. Create/Maintain updated directory of statewide New American services	5
S. 5. Publicity	5
S. 6. Text function capabilities	5
S. 7. Fraud referrals	5

### Budget – 20 points

This section is intended to measure the best value proposed for the total cost of reimbursable services performed pursuant to this award.

Budget	Points
B. 1. Best value for proposed cost	20

**Cost Proposal Evaluation** - The lowest bidder must receive the maximum number of points awarded for the cost component (20 points). The other bidders will receive a proportional score using the formula of  $z = (x/y) \times 20$  where:

Cost Proposal Evaluation

- $x$  = lowest total cost;
- $y$  = total cost for the bidder being scored;
- $z$  = normalized cost score for bidder being scored; and
- 20 = total cost points.

### Review and Selection Process

The evaluation criteria are designed to assess the quality of the proposed project and to determine likelihood of a successful program. The evaluation criteria are considered as a whole in judging the overall quality of an application. Points are awarded only to applications that respond to the evaluation criteria within the context of this program application announcement. The contract awards will be made to the applicants whose proposals are determined to best meet the criteria for proposal evaluation and selection set forth in this RFA.

### Initial ONA Screening

Each application will be screened to acknowledge its receipt by the closing date and time, determine if the applicant is an eligible entity as described in Section I, page 1, and determine if the applicant was pre-qualified at time of application closing date and time. Applicants will be notified of such disqualification.

### **Award methodology**

A minimum final score of 70 must be achieved to be considered for an award. One grant of up to \$625,000 per year will be made based on rank order of final scores.

## VI. Award and Contract Administration

### Award Administration

It is anticipated that applications will be reviewed end June – July 2016, and the successful applicant will be notified of funding decisions on or about September 2016. The grant award will have a start date of approximately January 1, 2017. The successful applicant 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 New York State Attorney General’s Office and the Office of the State Comptroller.

All plans and working documents prepared by applicants under the contract to be awarded will become the property of New York State.

An opportunity to be debriefed will be provided, upon request, to unsuccessful applicants. Requests must be made in writing by September, 2016 to the same address to which applications are submitted.

### Contracting Requirements

#### Standard Contract

The successful applicants to this RFA for the New York State Office for New Americans must enter into a standard contract with the Department of State (DOS, or the Department), which includes an approved budget and work plan, any attachments or exhibits, and standard clauses required by the NYS Attorney General for all state contracts, along with Article 15-A of the New York Executive Law. The contract includes financial reporting requirements, including procurement procedures. The contract is subject to approval by the Attorney General and State Comptroller, requires submission of final products in both hard copy and electronic form, and is subject to payment only upon proper documentation and compliance with payment procedures and all other contractual requirements. A copy of a sample standard contract is attached as Appendix F. Sample contracts should not be submitted with this proposal; successful applicants will receive a contract package to complete.

#### Project Term

The project term under this RFA is anticipated to be three (3) years from January 1, 2017 through December 31, 2019, beginning with an initial three year contract term that will be subject to renewal at the discretion of the Department of State for an additional two year term. Failure to incur all expenses or complete all identified outcomes in the stated period may result in loss or recapture of funds.

#### Vendor Responsibility Questionnaire

The awarded applicant will be subject to a vendor responsibility review prior to contract execution. Any applicant found not responsible by the Department of State may not be provided with funding pursuant to this RFA. ONA strongly recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System Instructions available 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 ONA or the Office of the State Comptroller’s Help Desk for a copy of the paper form.

## Payment

Contractors shall provide complete and accurate billing vouchers to their designated ONA analyst in order to receive payment. Billing vouchers submitted to ONA will be required to contain all information and supporting documentation required by the Contract, the Office and the Office of the State Comptroller (OSC). Payment for quarterly vouchers submitted by the Contractor shall only be rendered electronically, unless payment by paper check is expressly authorized by the Secretary, in the Secretary's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The Contractor shall comply with OSC procedures to authorize electronic payments. Authorization forms are available at the State Comptroller's website at [www.osc.state.ny.us/epay/index.htm](http://www.osc.state.ny.us/epay/index.htm), by email at [epunit@osc.state.ny.us](mailto:epunit@osc.state.ny.us) or by telephone at 518-486-1255. The Contractor acknowledges that it will not receive payment on any vouchers submitted under this contract if it does not comply with the State Comptroller's electronic payment procedures, except where the Secretary has expressly authorized payment by paper check as set forth above.

Payment of such vouchers by the State (DOS, ONA) shall be made in accordance with Article XI-A of the New York State Finance Law. Payment terms will be: Quarterly vouchers.

The contractor will receive 25% of the total first year's award as a budget advance upon successful execution of the contract AND successful submission of appropriate voucher documentation. Thereafter, the grantee will be reimbursed for expenses incurred pursuant to the monthly reports submitted that verify the number of hotline calls and referrals. No payments will be made until the contract is fully executed and signed by the State Comptroller and the State Attorney General. Contractors will work at their own risk if they conduct program activities before the contract is executed.

## Program Assessment and Monitoring

### Record Keeping

The Contractor must maintain current and accurate fiscal records, programmatic documentation, and accounting controls to support the claims for payment. Records must adequately identify revenue sources and expense items for all contracted activities. Accounting records must be supported by clear documentation for all funds received and disbursed. Records must be retained and be accessible for a period of six (6) years from the end of the contract or last payment or last contract transaction. If any claim, audit, litigation, or State investigation is commenced before the expiration of the aforementioned record retention period, the records must be retained by the contractor until all claims or findings regarding the records are finally resolved. ONA or its designee shall have access to any records relevant to the project (including books, documents, photographs, correspondence, and records), for audits, examinations, transcripts, and excerpts. If ONA determines that such records possess long-term or historic value, they must be transferred, upon request, to ONA. The contractor will be required to maintain information security systems ensuring the confidentiality and security of personal information disclosed to the hotline.

**Failure to provide the requested documents may result in, among other things, immediate termination of the contract, suspension of the contract, and the disallowance of costs.**

### Reporting and Vouchering

Awardees must submit copies of the Required Documentation listed in the payment points section of this RFA on a quarterly basis during the contract term, unless otherwise specified. The contractor will need to provide additional documentation, particularly if a problem is identified or budget line item questioned. Payments will be based on the Required Documentation and other documents that support reimbursement in accordance with the Payment Schedule. Dates of Service in Required Documents should be consistent with the actual service dates. Additional reporting, as may be determined by ONA, may also be required. Final reports and vouchers, known as "close-out" vouchers, are due within 60 days after the end of each year of the multiyear contracting period.

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### Monitoring

ONA will monitor projects on a regular basis throughout the life of the contract. Monitoring may include, but not be limited to, site visits, regular telephone contact and/or discussions of monthly progress reports. The goals of project monitoring are to ensure fiscal and program contract compliance; to identify and provide technical assistance where necessary, to help the contractor meet the terms of this RFA; and, to ensure that a high level of service is being provided.

### Amendments to the Contract

Amendments and modifications of executed contracts are sometimes necessary to accommodate the needs of the contractor and ONA. These changes, which must be by mutual written agreement, may include modification to reimbursement schedules, time and money amendments, or no-cost extensions as necessary. Contract modifications, including amendments and no-cost time extensions, will be made at the discretion of ONA with the approval of the Office of the State Comptroller.

### General Terms and Conditions

ONA reserves the right to terminate or modify the contract due to the unavailability of funds, unsatisfactory performance, or in the best interests of the state. If additional funding becomes available, ONA reserves the right to subsequently reconsider eligible proposals submitted in response to this RFA at that time, using the same scoring criteria and award methodology. Updated information may be requested as deemed necessary by ONA. ONA also reserves the right to issue a new RFA to solicit new applications. The terms and conditions for all funded projects are specified in a detailed contract which must be signed by ONA and approved by the New York State Attorney General's Office and the Office of the State Comptroller before any work is begun or payments are made. Successful applicant(s) will be sent the complete standard contract for execution. The Applicant is encouraged to review sections of the contract that are attached (Appendix F) before submitting an application. This RFA and any contract resulting from this RFA are subject to all applicable laws, rules and regulations promulgated by any Federal and State authority having jurisdiction over the subject matter thereof. Any contract awarded pursuant to this RFA will be subject to the ONA's processing procedures for contracts of this type, including approval as to form by the State's Attorney General's office, and as to award by the New York State Division of the Budget and by the New York State Office of the State Comptroller. ONA reserves the right to award contract(s) to as many or as few applicants as it may select, and reject all proposals which do not completely conform to the instructions given in the RFA. The proposal of the successful applicant will serve as the basis for the contract, the terms of which will be modified within the context of this RFA.

### Reserved Rights

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

1. Withdraw the RFA at any time, at the ONA's sole discretion.
2. Make an award under the RFA in whole or in part.
3. Disqualify any applicant whose conduct and/or application fail to conform to the requirements of this RFA.
4. Seek clarifications and revisions of applications.
5. 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.

6. Prior to the application due date, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available.
7. Prior to the application due date, direct applicants to submit application modifications addressing subsequent RFA amendments.
8. Change any of the scheduled dates.
9. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective bidders.
10. Waive any requirements that are not material.
11. Negotiate with the successful applicant within the scope of the RFA in the best interests of the state.
12. Conduct contract negotiations with the next responsible applicant, should the Department be unsuccessful in negotiating with a selected applicant.
13. Use any and all ideas submitted in the applications received.
14. 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.
15. Not to make any awards pursuant to this RFA, and
16. Reject any or all applications received in response to the RFA. This RFA does not commit ONA to award any contracts, to pay the costs incurred in the preparation of a response to this RFA, or to procure or contract for services.

## **Requirements Related to Minority and Women Owned Business Enterprises and Equal Employment Opportunities**

Article 15-A of the New York State Executive Law, as amended, authorized the creation of a Division of Minority and Women's Business Development to promote employment and business opportunities on state contracts for minorities and women. This law supersedes any other provision in state law authorizing or requiring an equal employment opportunity program or a program for securing participation by minority and women-owned business enterprises. Under this statute, State agencies are charged with establishing business participation goals for minorities and women. The Department of State administers a Minority and Women-owned Business Enterprises (MWBE) Program as mandated by Article 15-A.

### **1. General Provisions**

- a. The Department of State is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 ("MWBE Regulations") for all State contracts as defined therein, with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.
- b. The Contractor to the subject contract (the "Contractor" and the "Contract," respectively) agrees, in addition to any other nondiscrimination provision of the Contract and at no additional cost to the New York State Department of State (the "Agency"), to fully comply and cooperate with the Agency in the implementation of New York State Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women ("EEO") and contracting opportunities for certified minority and women-owned business enterprises ("MWBEs"). Contractor's demonstration of "good faith efforts" pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the "Human Rights Law") or other applicable federal, state or local laws. Contractor agrees that the terms "MWBE," "MBE" and "WBE" as used herein, shall mean those MBE or WBE firms certified as such by the State pursuant to NY Executive Law Article 15-A and listed in the directory of New York State Certified MWBEs found at the following internet address: <http://www.esd.ny.gov/mwbe.html>.

## Office for New Americans Hotline Application

Office for New Americans One Commerce Plaza,  
99 Washington Avenue, Albany, NY 12231-0001 • [www.newamericans.ny.gov](http://www.newamericans.ny.gov)

- c. Failure to comply with all of the requirements herein may result in a finding of non-responsiveness, non-responsibility and/or a breach of contract, leading to the withholding of funds or such other actions, liquidated damages pursuant to Section M(6) of this Attachment or enforcement proceedings as allowed by the Contract.
2. Contract Goals
    - a. For purposes of this Contract, the Agency hereby establishes an overall goal of 0% for Minority and Women-Owned Business Enterprises ("MWBE") participation, 0% for Minority-Owned Business Enterprises ("MBE") participation and 0% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs).
    - b. For purposes of providing meaningful participation by MWBEs on the Contract and achieving the Contract Goals established in Section 2(a) hereof, Contractor should reference the directory of New York State Certified MWBEs found at the following internet address: <http://www.esd.ny.gov/mwbe.html>.
    - c. Additionally, Contractor is encouraged to contact the Division of Minority and Women's Business Development (518) 292-5250; (212) 803-2414; or (716) 846-8200) to discuss additional methods of maximizing participation by MWBEs on the Contract.
    - d. Where MWBE goals have been established herein, pursuant to 5 NYCRR §142.8, Contractor must document "good faith efforts" to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract. In accordance with Section 316-a of Article 15-A and 5 NYCRR §142.13, the Contractor acknowledges that if Contractor is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such a finding constitutes a breach of contract and the Contractor shall be liable to the Agency for liquidated or other appropriate damages, as set forth herein.
  3. Equal Employment Opportunity (EEO)
    - a. Contractor agrees to be bound by the provisions of Article 15-A and the MWBE Regulations promulgated by the Division of Minority and Women's Business Development of the Department of Economic Development (the "Division"). If any of these terms or provisions conflict with applicable law or regulations, such laws and regulations shall supersede these requirements.
    - b. Contractor shall comply with the following provisions of Article 15-A:
      - i. Contractor and Subcontractors shall undertake or continue existing EEO 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, EEO shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation.
      - ii. The Contractor shall submit an EEO policy statement to the Agency within seventy two (72) hours after the date of the notice by Agency to award the Contract to the Contractor.
      - iii. If Contractor or Subcontractor does not have an existing EEO policy statement, the Agency may provide the Contractor or Subcontractor a model statement (see Form A - Minority and Women-Owned Business Enterprises Equal Employment Opportunity Policy Statement).
      - iv. The Contractor's EEO policy statement shall include the following language:
        1. The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing EEO programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force.
        2. The Contractor shall state in all solicitations or advertisements for employees that, in the performance of the 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.

3. 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.
4. The Contractor will include the provisions of Subdivisions (a) through (c) of this Subsection, which provides for relevant provisions of the Human Rights Law, in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with the Contract.

### **Additional Notices and Explanations Regarding the MWBE Program and this Request For Applications:**

If your project is selected for an award, you will be required to comply with all the contractual requirements, including demonstrating that a good faith effort is made to meet the goals for certified MWBE firms participation as stated in your contract and in accordance with Article 15-A.

If an applicant chooses to move forward with a project prior to any award announcement, they are responsible for meeting M/WBE requirements established by the State of New York. The requested plan, as described below, is intended to help an applicant think about how to comply with the regulations and provide information showing their due-diligence to comply with the M/WBE requirements.

#### **MWBE REQUIREMENTS:**

Create a plan for compliance with the M/WBE requirements. The plan should be submitted with bids and proposals, in addition to FORM B - STAFFING PLAN and FORM D - MWBE UTILIZATION PLAN attached.

Provide a DETAILED statement, with the project description, on how you intend to meet the MWBE goals with your project. The following should be included in the statement:

1. Your project's MWBE goal amount, determined by using the attached MWBE GOALS CALCULATION Template.
2. The names of general circulation, trade association, and M/WBE-oriented publications in which you plan to solicit certified M/WBEs for the purposes of complying with the participation goals related to your project.
3. A list identifying the date(s) that all solicitations for certified M/WBE participation plan to be published in any of the above publications.
4. A list of all certified M/WBEs appearing in the NYS Directory of Certified Firms that will be solicited for purposes of complying with your certified M/WBE participation goal (The Directory can be viewed at <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?XID=7637&TN=ny>).
5. Descriptions of the notices, dates of contact, letters, and any other correspondence that will be made to all certified M/WBEs.

## Office for New Americans Hotline Application

Office for New Americans One Commerce Plaza,  
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6. A description of any contract documents, plans, or specifications to be made available to certified M/WBEs for bid solicitation purposes and the proposed date and manner in which these documents will be made available.

# Appendix 1

## Application

<b>Organization Name:</b>		
<b>Organization Department Name:</b>		
<b>Date:</b>	<b>Submission Date:</b>	<b>Revision Date:</b>
<b>Address:</b>		<b>ZIP:</b>
<b>Lead Contact:</b>		
<b>Contact Telephone:</b>		
<b>Contact Email:</b>		

### Experience

- 1) Describe your organization’s experience in providing services to the new Americans population.
- 2) Describe your organization’s experience in providing hotline services.
- 3) Describe your organization’s working relationship with organizations that provide services to the new American population.
- 4) Describe other programs and or services your organization has experience offering and how those programs will be used to enhance the effectiveness of the ONA Hotline

### Capacity

- 1) How will your organization utilize your current expertise and capacity to implement hotline services?
- 2) Describe your organization’s internal monitoring system and demonstrate how the system is utilized to effectively identify program, personnel, and fiscal issues.
- 3) Prepare a timeline, ending at the end of the contract, to delineate when crucial stages of preparation for the provision of the requested services will begin. If your organization does not currently offer services of this nature include in this timeline a startup period.
- 4) In an attachment, include a job description, including required qualifications, for each proposed staff position with the submitted application. This is required for all staff supporting the project including funded staff and in-kind staff. Submit this attachment as Attachment 3 “Job Descriptions of Key Staff.”

## Office for New Americans Hotline Application

Office for New Americans One Commerce Plaza,  
99 Washington Avenue, Albany, NY 12231-0001 • [www.newamericans.ny.gov](http://www.newamericans.ny.gov)

- 5) Describe the facilities in which the proposed call center will be housed including the call management system that will be used for incoming calls.

### Service Description

- 1) Describe your organization's ability to receive hotline calls and make referrals to outside service organizations from 9:00am to 8:00pm on regular business days.
- 2) Describe your organization's ability to receive calls in any language, either through a multi lingual call center employee or through a telephonic translation service. Please include a flow chart depicting the call and referral process.
- 3) Describe how your organization will collect the information needed for a monthly report to the Office for New Americans, including both calls and text requests.
- 4) How will your organization create and/or maintain an updated directory of statewide services for the new American population?
- 5) Describe how your organization will publicize the hotline outside of the publicity that the Office for New Americans already provides.
- 6) Describe your organization's ability to provide (and how your organization will provide) a text function that will have the ability to receive texts from the hours of 9:00am until 8:00pm on regular business days, and be able to answer text requests in 4 languages including English, Spanish, and two others.
- 7) Describe how your organization will make referrals of immigration fraud as well as how these referrals will be logged.

### Budget

Submit budget as Attachment 3 Cost Proposal Form with the following:

- 1) Submit a detailed and realistic cost proposal for the first year containing the information requested in the Payment Rates section of the RFA, using the ONA Hotline cost proposal form.
- 2) Provide a narrative description (up to 2 pages) clearly linking costs to specific proposed services and activities.



## Appendix 2

# MINORITY-AND WOMEN-OWNED BUSINESS ENTERPRISES (MWBE)

### 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 group 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 0% for MWBE participation, 0% for Minority-Owned Business Enterprises ("MBE") participation and 0% 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:

- A. 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.

- B. 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.
- C. 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) 473-3401; Fax (518) 402-3656

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. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

- 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 make good faith efforts to meet 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 Section III (J) of the Master Grant Contract, "Equal Employment Opportunities for Minorities and Women; Minority and Women Owned Business Enterprises." 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 B) 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.

For questions on filling out the forms required with this proposal, please contact:

Office of Affirmative Action Programs  
99 Washington Avenue, Albany, New York 12231  
Phone: (518) 473-3401; Fax (518) 402-3656



**Office for New Americans Hotline COST PROPOSAL BID FORM (Appendix 3)**

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**Appendix 3**  
**COST PROPOSAL BID FORM**

Applicant \_\_\_\_\_

<b>Payment Points</b>	<b>Rate Per Unit</b>	<b>Number of Units</b>	<b>Total Cost</b>
Phone Calls Answered	\$	20,000	\$
Referrals Completed	\$	30,000	\$
Development of a Statewide Directory	\$1000	1	\$1000
Annual updates to the Statewide Directory	\$500	1	\$500
Total Amount	\$	\$	\$

Applicant Name: \_\_\_\_\_

Representative: \_\_\_\_\_  
Print Name Signature Date

Title: \_\_\_\_\_