

# **REQUEST FOR APPLICATIONS**

## **Workplace Health and Safety**

Bid Number: WHS RFA-#11

**Issued on:**

June 28, 2017

**Amended: October 27, 2017**

### **New York State Department of Labor**

Division of Worker Protection

Harriman Office Campus

Building 12, Room 440

Albany, New York 12240

**Submission Deadline:**

**Ongoing, until December 29, 2017**

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# **I. Funding Opportunity Description**

## **A. Purpose**

The purpose of this Workplace Health and Safety (WHS) Request for Applications (RFA) is to secure the services of eligible community-based organizations, direct service providers, occupational health and safety clinics, and other not-for-profit organizations that can assist the New York State Department of Labor (NYSDOL) to provide education and training about occupational health and safety hazards.

## **B. Definitions**

Exploited Worker: A paid or unpaid employee that has experienced unsafe, unsanitary, unhealthy, or hazardous working conditions. In addition to commonly understood workplace health and safety hazards, all forms of assault, workplace violence, and sexual harassment are considered hazards for purposes of this application and may be included in proposals.

## **C. Background**

Governor Cuomo's Task Force to Combat Worker Exploitation and Employee Misclassification (Task Force) was made permanent by Executive Order No. 159 on July 20, 2016. In support of the mission of the Task Force, the Governor announced a grant program and an RFA opportunity for non-profit organizations and other entities to provide or expand services to help workers who experience occupational health and safety hazards.

Studies estimate that statewide workplace injuries cost \$10 billion annually;<sup>1</sup> the workers compensation system covers the significant portion of the cost, but only as to lost wages and medical care once an injury occurs. Studies have also identified that as many as three quarters of the workers who did not take steps to address workplace hazards, did not act because they feared retaliation or they simply did not know how to take action. Low-wage workers are especially vulnerable, and often face particular challenges including isolated work environments, language barriers, and lack of immigration status, which keep them from seeking assistance. Currently, there are few educational resources available across the state to assist this population and their specific needs in understanding workplace health and safety hazards as defined here, how to minimize or correct these hazards and the protection offered under the law to prevent retaliatory actions against those who complain about conditions at their worksite or seek help in mitigating hazards. This RFA is designed to address the most serious occupational health and safety hazards, both physical and psychological, with an understanding that these hazards vary from industry to industry and that certain worker populations are particularly at risk of these hazards.

Several industries, including but not limited to: agriculture; construction; health care, including home health care; landscaping; hospitality; and dry cleaning, employ a large percentage of low-wage immigrant workers and evidence high incidence rates of occupational health and safety injuries and illnesses. The following hazards have been identified as particularly serious or common occurrences in these industries:

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<sup>1</sup> Public Citizen's Congress Watch, *Aim Higher: New York Should Reform Its Workers' Compensation Laws to Reduce Injuries*. May 6, 2014, available: <http://www.citizen.org/documents/new-york-workers-compensation-reduce-injuries-report.pdf>.

- rollovers;
- power takeoff drives;
- lifting;
- chemical exposure and inhalation including cleaning supplies, perchlorethylene (PERC);
- slips/trips/falls;
- noise exposure;
- moving parts;
- exposure to dusts and fumes;
- vapors;
- blood pathogens and other body fluid pathogens;
- metals;
- plastics;
- pesticides;
- repetitive motion;
- biological hazards;
- sharp objects including broken glass;
- hot grease;
- “sharps” (used in medical procedures and are often disposed of improperly);
- extreme temperatures;
- elevated work sites with serious risk of falling; and
- workplace violence.

This RFA will support meaningful and comprehensive efforts undertaken by community-based organizations, direct service providers, occupational health and safety clinics, and other not-for-profit entities to provide training, education, and assistance in the following general areas for workers, advocates, and businesses:

- Workplace accident, injury, illness, violence, harassment and other physical and psychological workplace health and safety issue prevention measures;
- Occupational safety and health best practices intended to protect and enhance workplace safety; and
- Business compliance with occupational safety and health regulations and best practices in partnership with NYSDOL’s On Site Consultation program (<https://www.labor.ny.gov/formsdocs/factsheets/pdfs/p447.pdf>).

## II. Award Information

### A. Funding

NYSDOL is making up to \$~~3.7~~<sup>2.59</sup> million available until March 31, 2018, for the provision of education, outreach, and assistance to workers, including exploited and immigrant workers. The activities are to be industry-specific utilizing health and safety best practices that would have a preventive impact on occupational health and safety violations

Applicants may be single entities as well as consortiums of entities, applying through a lead applicant.

Applications of more than \$200,000 will not be considered.

Applicants awarded a grant through this RFA may re-apply upon fully expending the awarded funds and successful completion of the terms specified in their initial workplace health and safety award contract, if sufficient funding and time remain. Subsequent awards cannot be executed until previous WHS contracts are fully vouchered and closed. Quarterly, the funding availability will be reviewed and updated. An amended RFA with the revised funding availability will be posted in the NYS Contract Reporter and also posted on NYSDOL's Funding Opportunity webpage at the end of each quarter.

WHS funding is contingent on the availability of funding. Applications will be reviewed and award determinations will be made in the order in which the applications are received. Interested applicants should submit their proposals early and not wait. Funding expires March 31, 2018 and is not anticipated to be appropriated in future NYS budgets. If funding becomes limited prior to the closing date of this RFA on December 29, 2017, the program will be suspended with adequate notice in the NYS Contract Reporter and also posted on NYSDOL's Funding Opportunity webpage (<https://labor.ny.gov/businessservices/funding.shtm>). Applications received after suspension date will not be given funding consideration. Upon review, NYSDOL may decide to continue this program with limited funds, or issue an alternate Request for Proposals (RFP) that outlines a competitive award process.

### B. Use of Funds

#### 1. Allowable Costs

WHS funding is intended to promote occupational safety and health through outreach, training and education, promotion of available compliance driven business consultation, and other proven preventive programs.

Typical activities which may be funded under the grant program include, but are not limited to, the following:

- Workshops, seminars, or clinics intended to provide workers with information about occupational health and safety standards, for instance Open Clinic nights where workers learn about typical health and safety issues at their worksite, how to identify and control these hazards, their rights under the Occupational Safety and Health Administration (OSHA), and the right to complain about workplace conditions free from retaliation or harassment. "Right to Know" workshops, seminars, or clinics cannot be stand-alone trainings. Applicants can include these training topics in larger training offerings but NYSDOL will not fund applications in which this topic is the only topic area;
- General or hazard-specific training on how to identify, evaluate, and control employee exposure to workplace hazards, including but not limited to atmospheric hazards, electrical and machine guarding, slips/trips and falls and safe patient handling techniques;

- Programs that complement or supplement existing NYSDOL On-Site Consultation programs designed to reduce workplace accidents by teaching practices or procedures designed to mitigate inherently dangerous work activities—for example, reducing workplace accidents by implementing lockout/tag-out procedures, safe electrical work practices, or methods of working safely in confined spaces;
- Programs addressing ergonomic and repetitive motion problems, including safe-patient handling, and proper lifting techniques;
- Instruction of employees and businesses on their rights and responsibilities under the New York State Right-to-Know Law and OSHA/Public Employees Safety and Health (PEOSH) standards on hazard communication, chemical hazards in laboratories, and specific substances such as lead, benzene, and asbestos, etc.;
- Programs which help address unique and unusually difficult job safety and health problems, such as workplace violence, assault, sexual assault, sexual harassment, exposure to biological hazards and other emerging hazards; and/or
- Programs which help increase/encourage business compliance with workplace health and safety regulations, including industrial hygiene initiatives, the New York State Safety and Health Achievement Recognition Program (SHARP) (<https://labor.ny.gov/formsdocs/factsheets/pdfs/p203.pdf>) and Workplace Safety and Loss Prevention Incentive Program (NYSDOL's Industrial Code Rule 60) (<https://labor.ny.gov/workerprotection/safetyhealth/PDFs/WSLP/guidelines-to-ICR-60.pdf>).

Awarded projects may, but are not required to, award certificates of completion to individuals who receive training or education funded by this program.

Other allowable costs include:

- Learning aids that are directly related to the proposed training; and
- Publicity activities and materials that provide information directly related to improving workplace safety and health (Note, all publicity must be pre-approved by NYSDOL's Communications office).

## 2. **Restrictions on the use of funds**

WHS will not pay for any of the following items:

- Development of academic curricula for the education of occupational safety and health professionals or support personnel;
- Activities which support degree programs, safety engineer certificate programs, or extended academic programs designed to provide professional level credentials;
- Scientific research and occupational health screenings;
- Any costs related to actual implementation of compliance measures, model practices, or any other enhancements (i.e. capital, structural, equipment<sup>2</sup>, etc.);

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<sup>2</sup>Equipment is defined as property that has a useful life of more than one year and a unit value of more than \$1,000.00. Notebook computers, projectors, iPad or associated electronics are not considered equipment but are also not an allowable expense under this WHS RFA. The approval of equipment related to the provision of training would be assessed by NYSDOL on a case-by-case basis.

- Political activities or devices;
- Newsletters, factsheets, language lines, websites, or other publications which do not solely provide information directly related to improving workplace safety and health. Items related to labor vs. management issues and political disputes are not appropriate material to be covered in grant-funded publications. Items related to court actions may be appropriate if they address the impact of the decision on safety and health in the workplace within New York State. However, the publication of court decisions in jurisdictions whose laws do not apply in New York State would not be appropriate. Likewise, publications or other reporting on an entity's victory in a specific court action would not be appropriate;
- Wages or stipends paid to workers while in training;
- Refreshments provided during training programs;
- Severance pay;
- Awards of cash, trophies or the like;
- Accrued leave time;
- Purchase and/or rental of cellular telephones and devices;
- Audit services;
- Acquisition, construction, or renovation of buildings or other real estate;
- Supportive services such as child care, transportation, lodging, and meals for the trainees (any supportive services provided may be funded through the local Career Center);
- Entertainment;
- Interest costs incurred by provider agencies;
- Costs of organized fund raising;
- Sales training;
- Registration fees;
- Payment of fees associated with attendance at seminars, conferences, or meetings of professional organizations; or
- Any other costs deemed inappropriate by NYSDOL and any costs that do not meet the intent of the RFA or programs that are readily available from NYSDOL.

If an applicant is unsure about unallowable trainings, programs, or other charges applicable to this grant funding opportunity they should consider asking specific questions before the Questions Deadline identified in [section IV.A.](#) of this RFA and listed in the RFS time table, [section IV.E.](#)

### **C. Award Minimums**

There is no minimum award amount under the WHS program. All awards are subject to funding availability.

### **D. Contracts**

Contracts may not be extended past March 31, 2018 unless a NYS Budget appropriation is maintained. In the absence of future appropriations, all activities supported by the contract must be completed,

and awarded funds must be fully expended by March 31, 2018. Bidders must include only the training opportunities that can be reasonably accomplished within the contract time period. In the event funding becomes available after March 31, 2018, limited no-cost contract extensions of up to six additional months may be approved at NYSDOL's discretion. The length of the extension is dependent on the original contract duration; however, under no circumstances may the length of the contract plus the extension exceed a total of twelve months.

Contracts will be paid on a reimbursable payment basis. Successful applicants must first pay for incurred expenses and then submit a voucher to NYSDOL for reimbursement. Successful applicants will be required to provide reports at intervals specified by NYSDOL. Additional details on reimbursement and payment are outlined in the Payment section ([VI.B.](#)) of this RFA.

In addition, NYSDOL may conduct an independent evaluation of the outcomes and benefits of WHS funding. By accepting an award through this WHS RFA, the applicant agrees to participate in any such evaluation.

## E. Contracting Process

In keeping with the Governor's promise to reform the State's grant contracting process, NYS has established a standardized statewide grant contracting system called the Grants Gateway, which is designed to facilitate prompt contracting.

All applicants are required to register in order to enter into a contract with NYS. All entities must visit the Grants Gateway website at <https://grantsgateway.ny.gov> and follow the instructions to complete the registration. **The registration form must be signed, notarized and mailed to Gateway Administrators. Plan accordingly to avoid potential delays in applying for upcoming grant opportunities.**

Not-for-profit organizations must take the additional step of prequalifying by completing a basic profile and storing organizational documents. **Both registration and prequalification must be completed by not-for-profit organizations before the application is submitted. Failure to do so will mean that the application will not be reviewed.**

Not-for-profit organizations will be able to submit their responses online, and, once reviewed and approved by a state agency prequalification specialist, the not-for-profit organization will be able to apply for grant. All information will be stored in a virtual, secured vault. Not-for-profit organizations will have to pre-qualify annually and maintain their pre-qualification status on a yearly basis by providing up to date IRS 900, CHAR 500 and audit review documents.

For additional information on registration and prequalification, please log on to the Grants Gateway web-site at <https://grantsgateway.ny.gov> and/or the Grants Reform Website at [www.grantsreform.ny.gov](http://www.grantsreform.ny.gov). For additional technical assistance with the Grants Gateway website, please note:

- Hours of Operation: Monday through Friday, 8:00 AM to 4:00 PM, Eastern Standard Time
- Phone Number: 1-518-474-5595
- Email: [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov)

## F. NYSDOL's Responsibilities

NYSDOL will oversee implementation of the contract(s) awarded through this RFA, including regular monitoring of implementation and performance of the contract(s).

## **G. Successful Applicant Requirements**

By submission of an application in response to this solicitation, applicants agree with all of the terms and conditions set forth in the attachments to this RFA.

Lead applicants, applying on behalf of a consortium of entities, are responsible to coordinate and compile, from across the consortium, a plan to address the health and safety training and service needs and activities to occur at and by multiple businesses. The lead applicant will be the fiscal and administrative authority for the project and accepts the responsibility to meet all contract terms and conditions to ensure the successful completion of the project as contracted. Sub-entities in a consortium are responsible to report to the lead applicant regarding their portion of the contracted activities and must submit documentation demonstrating their commitment to the project.

Applicants must comply with the Combined Terms and Conditions (Attachment 1), which will be incorporated into the Master Contract of successful applicants.

## **H. Participation Requirements**

### **1. Equal Employment Opportunity (EEO) Participation**

All bidders must complete an EEO Staffing Plan (EEO 100) and submit it to NYSDOL as part of the proposal. The bidder 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 bidder, 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. . Please refer to Attachment 5 ([Section VII](#)) for further information on these requirements.

### **2. Minority and Women-Owned Business Enterprise (MWBE) Participation**

For purposes of this RFA, NYSDOL hereby establishes an overall goal of 30% for MWBE participation, 15% for NYS-certified minority-owned business enterprises ("MBE") participation and 15% for NYS-certified women-owned business enterprises ("WBE") participation (collectively, "MWBE Contract Goals") based on the current availability of MBEs and WBEs. If the bidder will not use subcontractors or suppliers to fulfill services, or will be unable to meet the MWBE Goals, then it must submit the Application for Waiver of MWBE Participation Goal. Please refer to Attachments 6 and 7 ([Section VII](#)) for further information on these requirements.

### **3. NYS Certified Service-Disabled Veteran-Owned Businesses (SDVOBs)**

For purposes of this RFP, NYSDOL establishes an overall goal of 6% for SDVOB participation, based on the current availability of qualified SDVOBs. For purposes of providing meaningful participation by SDVOBs, bidders should reference the directory of New York State Certified SDVOBs found at: [https://ogs.ny.gov/Veterans/Docs/CertifiedNYS\\_SDVOB.pdf](https://ogs.ny.gov/Veterans/Docs/CertifiedNYS_SDVOB.pdf). Questions regarding compliance with SDVOB participation goals should be directed to NYS Department of Labor, SDVOB Administrator, Purchase and Contracts, State Campus, Building 12, Room 454, Albany, NY 12240. Email: [Labor.sm.SDVOBAdmin@labor.ny.gov](mailto:Labor.sm.SDVOBAdmin@labor.ny.gov); Phone: 518-474-2678; Fax: 518-457-0620. Additionally, following contract execution, successful bidders are encouraged to contact the Office of General Services' Division of Service-Disabled Veterans' Business Development at 518-474-2015 or [VeteransDevelopment@ogs.ny.gov](mailto:VeteransDevelopment@ogs.ny.gov) to discuss additional methods of maximizing participation by SDVOBs on the Contract. Successful bidders must document "good faith efforts" to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of the contract. Please refer to Attachment 8 ([Section VII](#)) for further information.

### **III. Eligibility Information**

#### **A. Applicant Eligibility**

Eligible applicants must be not-for-profit or governmental entities, including community-based organizations, direct service providers, occupational health and safety clinics and other not-for-profit and governmental entities which:

- Have two or more paid employees (principals of corporations, board members and owners of businesses such as sole proprietors or partners are not considered to be employees for this criterion) or the equivalent of two (2) full-time employees (year-round, part-time employees are acceptable);
- Are headquartered in NYS or have at least one site located in NYS at the time of application; and
- Are in good standing regarding: Unemployment Insurance; Worker Adjustment and Retraining Notification Act (WARN); Public Work; Labor Standards; Safety and Health; NYS Department of State Division of Corporations; Workers' Compensation Insurance; and Disability Insurance.

Consultants, trade organizations and other third party entities are not eligible to apply for funds on behalf of other organizations.

Applicants with existing or pending contracts with NYSDOL remain eligible to apply for funding under this WHS RFA as long as the application does not propose training or services to the same individual or entity as the existing or pending NYSDOL contract. In addition, the payments requested cannot duplicate reimbursement from other sources of funding.

#### **B. Target Population**

This RFA seeks to assist employed workers that may be experiencing and/or are at risk of experiencing occupational health and safety hazards. -The target population will typically be workers in low-skill, low-wage positions in industries such as: nail salons; farming; childcare; cleaning; home health care; laundry; restaurants; retail; construction; landscaping; car washes; supermarkets; janitorial services; and trucking and waste disposal.

While participants will not be expected to self-disclose as an exploited worker to receive training or services, and specific businesses should not be indicated within the application, applicants must provide a description of the industry as well as the systemic health and safety problem(s) that will be addressed with the grant.

There is no minimum or maximum number of individuals to be served under this WHS RFA.

### **IV. Process for Application Submission**

#### **A. Questions Concerning this RFA**

Applicants may submit questions via electronic mail to [WDTD.Onestop@labor.ny.gov](mailto:WDTD.Onestop@labor.ny.gov). Questions regarding the RFA will be accepted on an ongoing basis until December 13, 2017. No telephone inquiries will be accepted. All inquiries should include the following reference in the Subject line: "WHS RFA-#11 Question". Answers to all questions received by this date will be posted on the NYSDOL website (<https://labor.ny.gov/businessservices/funding.shtm>) no later than December 15, 2017.

The NYSDOL WHS Team can only answer program related questions. Applicants should direct any technical questions about Grants Gateway to [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov).

## **B. Assistance in Completing this RFA**

Applicants in need of assistance completing this RFA may reach out to Krista Barringer at NYSDOL at [Krista.Barringer@labor.ny.gov](mailto:Krista.Barringer@labor.ny.gov).

## **C. Application Due Date**

Applications and required attachments will be accepted immediately and on an ongoing basis through the Grants Gateway until 4:00 P.M. Eastern Standard Time on December 29, 2017. Grants Gateway will not accept any applications or unsolicited amendments to applications after the due date and time. No “faxed” or “e-mailed” documents will be accepted. NYSDOL takes no responsibility for any third party error in the delivery of applications (e.g., public computer access, internet service provider, etc.).

## **D. Application Submission Instructions and Format**

Interested parties must apply online via the Grants Gateway website at <https://grantsgateway.ny.gov>. Completed applications must be submitted through the Grants Gateway by the designated date and time. In order to submit an application, applicants must be registered and logged in to the Grants Gateway as detailed in [Section II.E.](#)

In order for an application to be considered, the applicant must meet the eligibility criteria outlined in [Section III.A.](#), complete all required parts, and upload all the documents or information requested in the forthcoming sections in the Grants Gateway system prior to the submission due date.

Required application attachments are listed below:

- Resume(s) of key staff demonstrating occupational health and safety expertise (including trainers with the key staff);
- Combined Terms and Conditions A-1 and A-2 (Attachment 1);
- Budget Worksheet (Attachment 2);
- Vendor Responsibility – Applicant Questionnaire (Attachment 3);
- Equal Employment Opportunity Staffing Plan (Attachment 4);
- Minority and Women Owned Business Enterprises (MWBE) Utilization Plan and Requirements (Attachment 5). The MWBE Utilization Plan should list the MWBE subcontractors or suppliers the Contractor intends to use to fulfill the contract should the proposed application be awarded;
- Application for Waiver of MWBE Participation Goal (Attachment 6). If the applicant will not use subcontractors or suppliers to fulfill services, or will be unable to meet the total MWBE goals, then it must submit the Application for Waiver of MWBE Participation Goal instead of the (MWBE) Utilization Plan (Attachment 5);
- Service-Disabled Veteran-Owned Businesses (SDVOB) Utilization Plan and Requirements (Attachment 7); and
- Application for Waiver of Service-Disabled Veteran-Owned Businesses Participation Goal (Attachment 8). If the applicant will be unable to meet the SDVOB goals, then it must submit the Application for Waiver of SDVOB Participation Goals.

Applicants may use their own file formats for their application attachments as long as they contain the same information as requested in the NYSDOL provided templates. Grants Gateway will accept the following formats when uploading documents: Word, Excel, and PDF. Password protected documents will not be accepted. All attachments must be uploaded as part of the entire application, with original signatures. A hard copy must be maintained with the applicant and may be requested as part of the contracting process. All required attachments have been provided in a fillable form PDF format. This includes the option of using an e-signature. E-signatures provided for in the fillable PDF are considered original signatures.

## **E. RFA Timetable**

- RFA Release Date – June 28, 2017
- **RFA Amended Date – October 27, 2017**
- Deadline Date for Questions – Ongoing, no later than December 13, 2017.
- Deadline Date for Responses to Questions – Ongoing, no later than December 15, 2017.
- Application/Proposal Due Date – Ongoing, no later than 4:00 P.M. Eastern Standard Time on December 29, 2017.
- Date of Notification of Award – Ongoing as received.
- Latest Possible Contract End Date – March 31, 2018

## **V. Application Requirements, Review and Selection**

### **A. Application Requirements and Review**

Each application consists of four parts – Minimum Requirements, Program Design, Budget and Work Plan. The Grants Gateway system will not allow the submission of an application unless all parts are completed.

The evaluation of the application will consist of a review of each part independently.

All proposed expenditures must be reasonable, necessary and clearly related to the purposes and activities of the project as proposed.

Failure to answer all questions in the application or upload all required attachments will jeopardize the applicant's potential for funding. NYSDOL will first make an initial eligibility determination on each application received. Applications deemed eligible will be scored based on further review and evaluation. Application scores will consist of 60% on Program Design, 20% on Budget, and 20% on Work Plan. Scoring will award points based on a "criteria met" or "criteria not met" scale.

#### **1. Minimum Requirements**

No points will be awarded for the Minimum Requirement part of the application. Failure to attest to and document that you meet minimum requirements will result in an automatic rejection of the proposal application, and scoring will not proceed. Minimum requirements require the applicant to attest to each of the following:

- a. The applicant is a community-based organization, direct service provider, occupational health and safety professional or clinic, or other not-for-profit organization or governmental entity;

- b. The applicant is headquartered in NYS or has at least one site located in NYS at the time of application;
- c. The applicant is in good standing for Unemployment Insurance (UI), Worker Adjustment and Retraining Notification (WARN), Public Work, Labor Standards, Safety and Health, NYS Department of State Division of Corporations, Workers Compensation, and Disability Insurance;
- d. The applicant has two (2) or more employees or the equivalent of two (2) full-time employees (year-round, part-time employees are acceptable);
- e. The applicant understands that all not-for-profit applicants, in addition to registering in the Grants Gateway system, must be prequalified in the Grants Gateway system at the time of application submission or the not-for-profit organization's proposal will not be reviewed;
- f. The proposal was developed by the applicant and all language therein is presented at the request of the applicant. The use of a grant writer is acceptable, only if the applicant, and not the grant writer, commits to implementing the training/services listed in the application, if a grant is awarded;
- g. The applicant is responsible for recruiting and ensuring the participation of individuals as defined in the RFA;
- h. Tuition charges and other fees will not be charged to individuals served under this program;
- i. Any award will be expended on program activities in NYS, for businesses and employees who intend to continue to operate and work in NYS upon completion of the training; and
- j. The applicant will comply with NYS labor law and Federal law for the protection of workers.

## 2. **Program Design**

A total of 60 points are available in scoring the Program Design part of the application. Applicants must clearly document, describe and demonstrate each of the following to receive the maximum number of points for each section:

### Project Need (19 points)

- a) The number of employed workers that are anticipated to receive the proposed training or other project services (5 points);
- b) The specific health and safety issues that the target population experiences, had experienced or is at risk of experiencing is clearly identified, without any specific business identifiers (7 points);
- c) Actions that address any unique or unusually difficult problems, for example language barriers, availability to attend training, literacy etc. (7 points);

### Project Outreach (12 points)

- d) The dissemination methods of information about the specific workplace safety and health hazards, as well as information on how the education and training opportunities are realistic and appropriate to the target population identified (4 points);
- e) Realistic locations for the project outreach that are also appropriate to the target population. Methods to reach the target population and successfully ensure participants to attend the training (4 points);
- f) How the applicant will notify the Department of Labor of the training schedule, including topic, date, time, location and site contact for attendance and auditing of the programs (4 points);

### Target Population (17 points)

- g) The typical characteristics of the target population to be served by the proposed project and that align these hazards with the proposed occupational health and safety issues (3 points);
- h) The efforts the proposed project has or will take to identify and analyze the target group's individual safety and health training needs (Be specific) (2 points);
- i) The relevance of the proposed project to the target group's identified safety and health needs is clearly aligned with the training proposed (2 points);
- j) The cause and effect relationship of accidents/health issues for the target group is clearly aligned and indicates how the training will improve safety and health and decrease injuries and illnesses in the specific target group (2 points);
- k) The need for behavior modification and how participants will be educated on their role in the culture of safety and health at work (2 points);
- l) The corrective measures for safety and health hazards the training addresses to help decrease the severity or incidence rate of injury or illness (2 points);
- m) The means for including participant input in developing the application (1 point);
- n) How the target population as well as the safety and health topics were selected for the application (1 point);
- o) An ongoing plan to incorporate participant feedback into the training (2 points);

### Experience/Past Performance (12 points)

- p) The applicant's ability to plan and implement the safety and health program; including the key staff's experience with safety and health training on the proposed topics (4 points);
- q) The applicant's prior effectiveness in planning, implementing, and operating previous occupational safety and health projects or similar activities designed specifically for exploited workers (4 points); and
- r) The applicant's administration of current or recent grant and safety and health training programs (4 points).

### **3. Budget**

An applicant may receive a total of 20 points in the scoring of the budget. Five (5) points will be awarded for completing the Grants Gateway Budget Narrative for the respective categories where costs are anticipated. Fifteen (15) points will be awarded for a completed Budget Worksheet (Attachment 2).

The Budget Worksheet must demonstrate the accuracy of each budget component found in the Grants Gateway budget in relation to the proposed project activities. The reasonableness of cost is justified using the proposed number of training hours, numbers to be trained, complexity of training, etc.

The reasonableness of the costs associated with the activities is based on a comparison of activity costs with like activities of two other similar providers that show the chosen provider's costs to be lower or comparable. If less than three similar providers were contacted, the applicant must provide compelling justification for doing so and the reasonableness of the per-hour and per-person costs. Please note that if the selected provider is not the lowest cost of three providers, compelling

justification for their selection must be provided. Failure to do so will result in a lower award or no award and result in a score of 0 points for this section.

In the various expenditure budget forms located in the Grants Gateway system (Personal Services which includes Salary and Fringe and Non-Personal Services which includes Contractual, Travel, Operating Expenses, and Other), applicants will account for how the funding will be allocated. Please consult the guidelines in [Section II.B.](#) for eligible expenses. During the Budget review process, NYSDOL will not remove any disallowed costs included in the Budget section. However, during the award process and contract negotiations, if it is determined that ineligible costs were included in the application, those costs will not be included in the final contract.

Only categories in which the proposed program will be allocating funding need to be filled in. To avoid errors do not enter any information in categories where grant funding will not be used. Use the following as a guide in completing the budget.

a. Salaries

List the annual salaries of the staff that will be working on the project and the corresponding percentages of their time spent. Describe briefly, in the Budget Narrative, the roles of the staff titles listed. Provide an explanation of any anticipated changes or exceptions in staffing patterns and/or annual salary costs during the contract period.

b. Fringe:

Briefly explain the calculation of fringe benefits. Fringe benefits include social security, workers' compensation, unemployment insurance, disability insurance and any insurance programs the applicant organization provides. If budgeted fringe benefits represent an exception to standard policy, please explain the basis.

c. Contractual:

This category includes institutions, individuals, or organizations external to the applicant which have entered into an agreement with the contractor to provide any services outlined in or associated with the contract, and whose services are to be funded under the contract. All such agreements are to be by bona fide written contract and a copy of each must be attached. If details are not known, include a brief narrative of each contracted service to be provided, indicating the organization/individual selected, anticipated outcomes and projected budget.

d. Travel:

Staff travel costs should be budgeted in line with standard agency travel policy or NYS Comptroller guidelines. Travel costs are reimbursed at state rates. Only travel costs for personnel listed under Staff Salaries are acceptable. Consultant or sub-contractor's travel expenses should be included in Contracted Services. Use the Budget Narrative to indicate how Staff Travel costs were calculated (i.e. number of miles, mileage rate). Any exceptional staff travel costs must be justified in the Budget Narrative. No out of state travel costs are allowed unless specifically detailed and approved. All non-local destinations for travel must have prior NYSDOL approval.

e. Operating Expenses:

List operating expenses, such as supplies, postage, printing, photocopying, rent and telephones. Use the Budget Narrative to indicate how operating expenses were calculated. Any type of expense outside of the categories listed above and any exceptional dollar amounts must be explained in the budget narrative.

f. Indirect Costs:

Costs that are not directly accountable to a particular grant award, contract, program function or activity, but are necessary for the general operation of the organization. Indirect costs may be either fixed or variable and may include administration, personnel and security costs. Some indirect costs may be overhead. Indirect costs for this funding opportunity will be the approved federally recognized indirect cost rate negotiated between the applicant and the Federal government; if no such rate exists, then 10% of the modified total direct cost of the proposed budget.

g. Other:

List other items not included under any other category. Any type of expense outside of the categories listed above and any exceptional dollar amounts must be explained in the budget narrative.

In order to confirm the Expenditure Budget is correct, the Expenditure Summary must be reviewed. The summary will show how much has been allocated in the grant request. The "Total" field must be the total of the grant request. Any changes must be made in the category's corresponding form. No changes can be made on the Expenditure Summary page.

#### 4. **Work Plan**

A total of 20 points will be available in scoring the proposed work plan.

Utilizing the Grants Gateway system, applicants will define the objectives, tasks, and performance measures that will detail the proposed plan to ensure training and service activities as identified in the program design. Applicants can include a total of 50 objectives, tasks and performance measures.

The criteria to be reviewed include the following:

- a) The objectives are realistic and align with safety and health training activities as proposed in the Program Design (5 points);
- b) The tasks as described align with the associated objectives for providing safety and health training (5 points);
- c) The performance measures as proposed will measure the associated safety and health objective attainment (5 points); and
- d) The performance measures will evaluate project effectiveness with safety and health training (5 points).

### **B. Method of Selection**

The method of selection will be based on a point system with the Program Design section worth 60%, the Budget section being worth 20%, and on the Work Plan section being worth 20% of the total score. Eligible applications that fail to attain a total score of 70 points or more will be notified and are eligible to revise their applications and reapply, if sufficient time and funding remain. Applicants who receive a score of 70 points or more will be contacted by NYSDOL staff to begin the contract development process. Applications must first meet all minimum eligibility requirements. Upon receipt of all required application documents, NYSDOL staff will score the application. Each application will be evaluated and scored independently. Applications will be reviewed in the order received. Each application will be scored on its individual merit and will not be compared to other applications.

NYSDOL may award a contract for any or all parts of an application and may negotiate contract terms and conditions to meet agency program requirements consistent with the WHS RFA.

## **VI. Award Administration and Information**

### **A. Award Notices**

All applicants will receive a letter informing them of the decision on their application and successful applicants will be contacted by contract development staff.

Applicants who receive an award must be prepared to enter into contract negotiations immediately, and begin project activities upon execution of the contract. NYSDOL reserves the right to rescind the award of any successful applicant that is unable or unwilling to promptly engage in the contracting process or to begin conducting their project activities immediately following contract execution.

Applicants that receive an award under this program and successfully complete the activities as specified in the contract and fully expend the awarded funds may apply again, if funding and time remain.

### **B. Payment**

Once a contract has been developed and formally executed, funds will be released on a cost reimbursement basis in agreement with the cost per trainee and hours of training indicated in the contract budget. Awarded applicants must first pay for incurred expenses and then submit a voucher to NYSDOL for reimbursement. Vouchers must be submitted to NYSDOL on the prescribed forms before payment is made. For cost reimbursements to be approved, certain records must be kept and specific documents submitted. The successful applicant must provide documentation that the service was provided. This documentation will be negotiated as part of the contract development process. Not-for-profit entities that have a fully executed contract qualify for a 25% advance of which details will be discussed during contract negotiations.

Please be advised that project activities may not begin until after an award is made. This includes the completion of application reviews, due diligence being confirmed, awardees determined and award letters being issued. The earliest start date for any contract resulting from this RFA is the date of the award letter. Any activity that begins and/or is paid for prior to the date of the award letter will fall outside the contract period and be ineligible for reimbursement.

**Electronic Payments** – Payment for invoices submitted by successful applicants shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner’s sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The successful applicant shall comply with the State Comptroller’s procedures to authorize electronic payments. Authorization forms are available at the State Comptrollers website at [www.osc.state.ny.us/epay/index.htm](http://www.osc.state.ny.us/epay/index.htm), by email at [helpdesk@sfs.ny.gov](mailto:helpdesk@sfs.ny.gov), or by telephone at 855-233-8363. The successful applicant acknowledges that it will not receive payment on any invoices submitted under this Contract if it does not comply with the State Comptroller’s electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

### **C. General Requirements**

All applications and accompanying documentation will become the property of NYS and will not be returned. The content of each application will be held in strict confidence during the evaluation process, and no details of the application will be discussed outside of the evaluation process. Successful applications and portions of the RFA deemed applicable by NYSDOL will be made part of

the contract. Therefore, an official authorized to commit the applicant to a contract must sign the proposal.

#### **D. Reservation Clauses**

NYSDOL, in order to serve the best interests of NYS, reserves the right to:

1. Make no award;
2. Postpone or cancel this RFA upon notification to all applicants;
3. Amend the specifications after their release with appropriate notice to all applicants;
4. Remove applications with unreasonable costs from award consideration;
5. Request applicants to present supplemental information clarifying their application, either in writing or in formal presentation (any applicant failing to respond to these requests during the time allotted may be eliminated from funding consideration);
6. Waive or modify minor irregularities in proposals received after prior notification to the applicant;
7. Correct any arithmetic errors in any application;
8. Reject any and all applications received in response to this RFA;
9. Award contracts to more than one applicant;
10. Negotiate with successful applicant(s) prior to contract award;
11. Rescind the award of any successful applicant unable or unwilling to begin conducting their work plan activities immediately following contract execution. No applicant will have any rights against NYSDOL arising from such negotiations;
12. Make any payment contingent upon the submission of specific deliverables; and
13. Require that all offers are held open for a period of 120 days unless otherwise expressly provided for in writing.

## VII. Attachments

Attachment Number	Document Title	Required to be completed and uploaded to the Grants Gateway
1	<a href="#">Combined Terms and Conditions – A-1 and A-2</a>	Yes
2	<a href="#">Budget Worksheet</a>	Yes
3	<a href="#">Vendor Responsibility – Applicant Questionnaire</a>	Yes, with original signatures
4	<a href="#">Equal Employment Opportunity Staffing Plan</a>	Yes, with original signatures
5	<a href="#">Minority and Women-Owned Business Enterprises Utilization Plan and Requirements</a>	Yes, with original signatures
6	<a href="#">Application for Waiver of Minority and Women-Owned Business Enterprise Participation Goal</a>	Yes, if MWBE utilization plan not submitted, with original signatures
7	<a href="#">Service-Disabled Veteran-Owned Businesses Utilization Plan and Requirements</a>	Yes, with original signatures
8	<a href="#">Application for Waiver of Service-Disabled Veteran-Owned Businesses Participation Goal</a>	Yes, if SDVOB utilization plan not submitted, with original signatures

Note: NYSDOL makes no guarantees, warranties, or assurances of any kind, express or implied, with respect to such information, including any information on linked sites and including, but not limited to, accuracy of the information or its completeness, timeliness, usefulness, adequacy, continued availability, or ownership.