

**Request for Applications**

**New York Youth Works:  
Training and Placement Program # T-2**

Issued February 6, 2012

By

New York State Department of Labor  
Division of Employment and Workforce Solutions  
State Office Campus, Building 12, Room 440  
Albany, New York 12240

Applications will be accepted February 6, 2012 – March 30, 2012, 4:00 PM

The New York State Department of Labor is an Equal Opportunity Employer. Auxiliary aids and services are available upon request to individuals with disabilities.

**CONTENTS**

**I. Introduction ..... 2**

**II. Eligibility Requirements..... 4**

**III. Program Services and Funding..... 6**

**IV. Application Scoring Criteria and Award Process ..... 8**

**V. Application Submission .....Error! Bookmark not defined.**

**VI. Minority and Women Owned Business Enterprises Requirements ..... 12**

**VII. RFA Attachments..... 15**

## I. INTRODUCTION

### A. Purpose

Governor Andrew M. Cuomo has made up to \$3 million available under the New York Youth Works Program to facilitate the availability of work-ready certified youth for employment. This funding targets 12 areas of New York State: The cities of Albany, Buffalo, New York, Rochester, Schenectady, Syracuse, Mount Vernon, New Rochelle, Utica and Yonkers; and the Towns of Brookhaven and Hempstead. The money will be administered through the New York State Department of Labor (Department).

The purpose of this Request for Applications (RFA) is to fund organizations (up to \$50,000) under the New York Youth Works Program to:

1. Recruit and assist youth to become certified for the New York Youth Works Program; and
2. Prepare certified youth for employment by providing them with:
  - a. Work readiness training (up to eight weeks) as measured by the National Work Readiness Credential (NWRC) and occupational skills training designed to provide technical skills and information required to perform a specific job or group of jobs;
  - b. Testing for the NWRC;
  - c. Job placement services with certified businesses, including: career exploration and occupational assessment; resume preparation; job matching and referral; interview preparation; and follow-up and workplace mentoring; and
  - d. A stipend to cover costs of transitioning into the workforce (e.g., daycare, clothing and transportation).

This is an open solicitation until 4:00 PM on March 30, 2012 which means organizations can apply at any time during this period. Applications are reviewed on a first come first served basis and are evaluated based on their individual merit relative to desired program services and a scoring framework (described on page 7). Applications that meet the threshold will immediately move to an award and contract so services can begin.

It is important to note the Department issued a parallel RFA (#T-1) entitled the *New York Youth Works: Placement Program* for organizations to provide job matching and placement services to their current population of certified youth who are work-ready (i.e., students who already completed or are about to complete training).

The two (2) RFAs are issued in conjunction to expedite the availability of work-ready certified youth for the New York Youth Works Program. **Organizations may apply for maximum funding (\$50,000 each) under both of the RFAs, and the Department encourages organizations to first apply to the RFA which it can most readily implement.**

The Department also reserves the right to move funds between the two programs if one of the programs has a shortage of applicants. Any change of this kind would be publicized in the New York State Contract Reporter and on the Department's web site.

## **B. Background**

On December 9, 2011 Governor Andrew M. Cuomo signed the New York Youth Works Program into law which offers a tax credit to businesses to encourage hiring of youth located in the following 12 areas of the State deemed most severely impacted by the recession: The Cities of Albany, Buffalo, New York, Rochester, Schenectady, Syracuse, Mount Vernon, New Rochelle, Utica and Yonkers; and the Towns of Brookhaven and Hempstead.

The New York Youth Works Program recognizes that:

- Nationally, the percentage of employed youth aged 16 through 24 is at the lowest level (48.8%) across the 60+ years the Bureau of Labor Statistics (BLS) has tracked youth employment;
- In New York State, the unemployment rate among Hispanic youth (ages 16-19) is over 35%;
- A key predictor of future success in the workforce is early exposure to work experience. Young people who have an opportunity to gain work experience are more likely to stay in school, and avoid crime, gang behavior, drugs, and unwanted pregnancies; and
- Youth wages are “high velocity” dollars in the local economy. Youth are highly likely to spend their wages quickly and locally, on items such as clothes, food and household expenses.

Both businesses and youth must be certified by the New York State Department of Labor to participate in the program.

The tax credit, which is against the state franchise tax, applies to hiring certified youth (ages 16 to 24) on or after January 1, 2012 through but no later than July 1, 2012.

Certified businesses may earn tax credits equal to the following amounts:

- If the certified youth is hired for a full-time position (35 hours or more per week), maximum tax credit: \$4,000:
  - \$500 per month, for a maximum of six (6) months (\$3,000 maximum), and
  - \$1,000 if the youth is retained for six (6) months beyond the first six (6) months of employment (employed one full year).
- If the certified youth is hired for a part-time position (20-34 hours per week), maximum tax credit: \$2,000:
  - \$250 per month, for a maximum of six (6) months (\$1,500 maximum), and
  - \$500 if the youth is retained for six (6) months beyond the first six (6) months of employment (employed one full year).

Furthermore, if the amount of credit exceeds a business’ tax liability, the business may receive the excess as a refund.

### **C. Overview of Scoring and Awards**

Applications will be received by the Department on an ongoing basis any time between February 6, 2012 and 4:00 PM on March 30, 2012.

Applications will be scored on their individual merit. Successful applicants must achieve a minimum score of 70 out of a possible 100 points in order to be awarded funds under this RFA. Eligible applicants may apply for a maximum reimbursement of \$50,000.00 under the New York Youth Works Training and Placement RFA. There is no minimum award amount.

All applicants will receive a letter informing them of the decision made by the Department on their application. Applicants that receive an award will be contacted by the Department and must be prepared to enter into contracts immediately. The Department reserves the right to rescind the award of any grantee that is unable or unwilling to do so.

Contracts will be awarded for a period of up to six (6) months, and must only include services that can be reasonably accomplished within the negotiated contract period. A limited no-cost contract extension of up to three (3) months may be approved at the Department's discretion.

Not-for-profit organizations will be eligible for a cash advance of up to 25% of the total contract amount. These payments will be made at the Department's sole discretion and subject to the availability of funds appropriated and available for contracts entered into pursuant to this RFA. Award grantees will be required to provide reports at intervals specified by the Department.

Detailed information on scoring and awards is presented in Section IV – Application Scoring Criteria and Award Process.

### **D. Department Responsibilities**

The Department's Division of Employment and Workforce Solutions (DEWS) will oversee the implementation of the contract(s) resulting from this RFA. DEWS will also maintain contact with grantees and monitor their performance under the contract. Funding for the activities outlined in this RFA will come from State funds and may be subject to legislative action.

## **II. ELIGIBILITY REQUIREMENTS**

Applicant Eligibility – In order to be considered for an award, an applicant must:

- Be a duly incorporated for-profit or not-for-profit organization, including a community based organization (CBO) or a Local Workforce Investment Area (LWIA), that is eligible to do business in New York State (note: a Workforce Investment Act Grant Recipient may apply on behalf of a Local Workforce Investment Board that is not incorporated); a Town or City targeted under this RFA (see the list in bullet # 4 below); or a County that contains or is part of one of the twelve areas targeted under this RFA;
- Have a demonstrated history of two (2) or more years as a provider of youth services;
- Have demonstrable ties to the business community, e.g., have made previous placements in the business community;

- Be located within a reasonable proximity to serve youth residing in one of the following 12 target areas of the State – Cities of Albany, Buffalo, New York, Rochester, Schenectady, Syracuse, Mount Vernon, New Rochelle, Utica and Yonkers; Towns of Brookhaven and Hempstead;
- Have the capacity to report/enter participant data on a timely basis. Information such as name, address, Social Security Number, date of birth, level of education, and employment status will need to be collected on each participant, as well as information on the services provided. This information will have to be directly entered into the New York State One Stop Operating System (OSOS). The Department will provide OSOS training to the staff of New York Youth Works awardees. (Note: Direct data entry into OSOS will require that the awardee enter into a data confidentiality agreement with the Department of Labor before access to OSOS may be given);
- Have demonstrated ability to properly disburse funds according to generally accepted accounting principles, internal controls, including disbursement of stipends, the intervals and amounts at which the stipends will be paid to participants, and issuance of IRS Form 1099 MISC should the stipend to a youth exceed \$600; and
- Use the funds to provide services to youth who meet the following requirements.
  - Are 16 to 24 years old;
  - Live in one of the following 12 target areas – Cities of Albany, Buffalo, New York, Rochester, Schenectady, Syracuse, Mount Vernon, New Rochelle, Utica and Yonkers; Towns of Brookhaven and Hempstead. Note that the youth must live within the city or town limits, not in a surrounding area or suburb that shares the city or town name for postal or other reasons.
  - Unemployed; and
  - Can be described as any one of the following:
    - Member of a family that is receiving assistance from Temporary Assistance for Needy Families (TANF).
    - Member of a family that is receiving SNAP benefits (food stamps).
    - Member of a family that is receiving Supplemental Security Income (SSI) benefits.
    - Receives free or reduced-cost school lunch.
    - Referred by a rehabilitation agency approved by the State, or an employment network under the Ticket to Work Program.
    - Served time in jail or prison - or is on probation or parole.
    - Pregnant or a parent.
    - Homeless.
    - Currently or was in foster care or the custody of the New York State Office of Children and Family Services.
    - 18 years of age or older, no longer in school, and don't have a High School Diploma or General Education Development (GED) credential.

- Veteran.
- Daughter or son of a parent who is currently in jail or prison, or has been within the past two years.
- Daughter or son of a parent who is collecting unemployment insurance.

Note – Youth who are at least 16 years old but not 18 years old must be in school, attending a secondary school or attending GED classes, and must also have the permission of their parent or guardian to participate.

In order to be eligible for the New York Youth Works Program, youth meeting the qualifications described above must be certified by the New York State Department of Labor. An online application to acquire this certification is located on the Department’s website at: <http://labor.ny.gov/secure/workforce/youth-tax-credit/youth.asp>. Providers must ensure all youth acquire their certification before serving and placing them with a certified employer as per State Education Law.

### III. PROGRAM SERVICES AND FUNDING

#### A. Program Services Sought

The following five (5) program services are being sought under the New York Youth Works Training and Placement RFA. Awards will be based on an organization’s demonstrated ability to deliver these services in their application.

1. Recruit youth to participate in the New York Youth Works Program.
2. Provide certified youth with up to eight (8) weeks of work readiness training measured by the NWRC and occupational skills training designed to provide technical skills and information required to perform a specific job or group of jobs.

Work readiness training covers the knowledge, skills, abilities and competencies required to succeed on the NWRC exam and in entry-level work. The curriculum includes: Basic skills (e.g., reading, writing, math, listening and speaking); thinking skills (e.g., decision-making, problem-solving, visualization, reasoning, learning and creativity); and the development of personal qualities (e.g., responsibility, self-esteem, sociability, self-management, integrity and honesty). Information on the NWRC can be obtained at <http://www.workreadiness.com/>.

The *WorkSkills* series developed by Steck-Vaughn covers all content areas identified by the National Work Readiness Council and assessed on the NWRC exam (<http://www.hmhededucation.com/careerpathways/preparation-2.php>). The *WorkSkills* series consists of three student workbooks covering the four exam content areas, online instructor materials, practice tests and access to an (optional) online learning management system. In addition, the practice test included with the *WorkSkills* series is correlated with the NWRC exam and predictive of student success in attaining the credential.

Application scoring for applicants who do not use the *Work Skills* series will be based on the content and conduct of the *Work Skills* series materials, including: The four exams (i.e., Situational Judgment, Active Listening, Workplace Reading, Workplace Math and all competencies assessed thereby); within lesson comprehension check activities; and

credential practice exams. The Application document (*Attachment I*) provides the *WorkSkills* pacing guides as a model for curriculum design.

3. Test or coordinate the testing of certified youth for the NWRC. Awardees can partner with existing authorized NWRC test sites, or become an authorized test site.
4. Place certified youth in employment with a certified business, including providing: career exploration and occupational assessment; resume preparation; job matching and referral; interview preparation; and follow-up and workplace mentoring.
5. Pay stipends to youth participants (up to \$900) to cover the costs of transitioning into training and/or the workplace (e.g., daycare, clothing and transportation).

## **B. Funding for Program Services Sought**

### Awardees

- Work readiness/occupational skill training (up to eight weeks) – \$700 per participant.
- National Work Readiness Credential (NWRC) – \$200 for each participant who receives an NWRC during or upon completion of training. The funding level recognizes a cost of \$100 for curriculum and testing fees.
- Job placement with a certified business, as follows –
  - \$400 for placement of a certified youth with a certified business during the timeframe of January 1, 2012 through July 1, 2012.
  - \$200 for placement of a certified youth with a certified business after July 1, 2012.

### Note

- Job placements for youth must comply with New York State Labor Law (please see Department web site at <http://labor.ny.gov/formsdocs/wp/LS171.pdf>).
  - The placement must be with a certified business located within a reasonable proximity to youth participant's residence, taking into account transportation distance, commuting time and commuting cost.
  - Verification of placement must be provided to the Department to receive the placement payment. The required verification documentation is the completed "Confirmation of Hire for New York Youth Works Program" form and a copy of a paystub or payroll record from the hiring business that demonstrates one full week of employment.
  - When businesses apply for the NYYW program, their job orders will be posted in the NY Job Bank at <http://newyork.us.jobs/index.asp>. Typing in the keyword term "NYYW" will display all current job openings on file for the location (radius) that has been selected.
- Stipends – Certified youth are eligible to receive up to \$900 in stipends to cover the costs of transitioning into training and/or the workplace (e.g., daycare, clothing and transportation).

- A \$300 monthly stipend for up to two (2) months (\$600 maximum) during the training period. The first stipend payment upon enrolling in the program cannot exceed \$150.
- A \$300 stipend once placed into employment with a certified business. Business confirmation of hire will be a requirement for payment of the first half (\$150) of the placement stipend as follows:
  - Upon placement of a youth, awardees under this grant must complete the form entitled “Confirmation of Hire for New York Youth Works Program” and forward it to the Department.
  - Completion of the “Confirmation of Hire for New York Youth Works Program” form by the training provider is required for the release of the first half of the placement stipend.
  - The balance of \$150 should be paid upon the youth providing a paystub or payroll record from the hiring business that demonstrates one full week of employment (employment verification documentation).

#### **IV. APPLICATION SCORING CRITERIA AND AWARD PROCESS**

##### **A. Evaluation and Scoring of Applications**

All applications received are subject to an evaluation by the Department. The Department will first determine if an application meets all eligibility requirements and answers all the questions. Applications that meet all eligibility requirements and answer all questions will move to scoring. Applications that do not meet all eligibility requirements or do not answer all questions will be deemed ineligible. Applicants deemed ineligible will receive notification from the Department, which will include identification of deficiencies. Applicants may revise and resubmit applications to address deficiencies.

An eligible application will be scored on its individual merit (i.e., it will not be scored relative to other applications). The point score will be based on the quality of the responses using a “weak/adequate/strong” scoring scale and/or a “criteria met/criteria not met” scoring scale.

##### **B. Evaluation Process**

The evaluation process will be conducted as follows:

- All applications deemed ineligible will be reviewed and given an opportunity to correct if possible;
- Ineligible applicants will be disqualified before completing a review;
- Incomplete applications, including but not limited to applications with incomplete Service Levels and Requested Funding tables, will be disqualified;
- All applicants that are determined not to be responsive or responsible will be disqualified after completing a review;
- Applications that fail to meet the requirements may be disqualified after completing a full review; and

- All complete applications will receive a full review and a final application score.

## **C. Evaluation Criteria**

### ***1. Eligibility Attestation***

Applicants must meet all eligibility requirements presented in Section II.

### ***2. Program Design (up to 100 points)***

The applicant must describe its capacity to deliver each of the following services:

- a. Training. (up to 55 points)
  - i. Work readiness training. (up to 50 points).
    - Capacity – based on applicant’s ability to deliver up to eight (8) weeks of work readiness training services to at risk youth. (up to 25 points)
    - Curriculum – based on use of the following. (up to 25 points)
      - Use of the WorkSkills series developed by Steck-Vaughn. (25 points)
      - Use of other work ready training curriculum. (up to 25 points)
  - ii. Occupational training – based on applicant’s capacity to deliver training on the basic, technical skills needed to perform a specific job or group of jobs. (5 points)
- b. National Work Readiness Credential – Based on applicant’s capacity to provide students access to take the NWRC exam. (up to 15 points)
- c. The job matching and placement services – Based on the following. (up to 30 points)
  - i. Job matching, referral and interview preparation, including career exploration and planning resources, occupational assessments used, resume preparation services and job development strategies. (up to 10 points)
  - ii. Linkages and partnerships with the business community, including the names of private sector businesses and the nature of the relationship. (up to 10 points)
  - iii. Workplace mentoring services. (up to 5 points)
  - iv. Follow-up services. (up to 5 points)

### ***3. Service Levels and Requested Funding (Pass/Fail)***

The applicant must fully and accurately complete the Milestone Activity Table [i.e., the total projected number of youth to be served, the projected number of youth to be served for each milestone activity (work readiness and occupational training, NWRC, job placements before and after July 1, 2012, payment of training stipends and payment of placement stipends), and the total funding requested for each of those activities].

## **D. Award Selection Method**

Applications with a score of 70 or greater will be awarded funding, and the applicants will receive an award letter notification. Applicants whose application score is less than 70 points

will not be approved and will be notified. Applicants may revise and resubmit applications that are not initially awarded.

The Department reserves the right to reject any application due to non-responsiveness, failure to meet minimum criteria or other justification at its sole discretion. The Department may award a contract for any or all parts of an application.

The Department may award a contract for any or all parts of an application. Any disallowed costs will be costs that are not permitted under the requirements of this RFA. All applicants will receive a letter informing them of the decision made by the Department on their application and successful applicants will be contacted by contract development staff.

The Department reserves the right to make multiple awards or no awards, and has set aside sufficient funding to support the estimated demand for this program. However, if state funding becomes limited, if interest is limited as evidenced by lack of response to this RFA, or if there is no longer a valid need for the services, the program will be suspended with adequate notice in the New York State Contract Reporter and also posted on the Department's web site ([www.labor.ny.gov](http://www.labor.ny.gov)). Those applications that are received after the suspension date will not be given funding consideration. If, after a suspension is announced, the Department decides to continue this program with limited funds, a new Request for Applications will be issued outlining a competitive award process.

All applicants will receive a letter informing them of the decision made by the Department. Successful applicants will be contacted by contract development staff.

#### **E. Payment Method**

Awardees will be contacted by the Department to move the approved application to a contract. Once a contract has been developed and formally executed, funds will be released to awardees based on provision of services. Awardees must submit vouchers to the Department on the prescribed forms for payment to be made.

Activities may not begin until after an award is made (an award letter has been issued). The earliest start date for any contract resulting from this RFA is the date of the award letter.

Electronic Payments – Payment for invoices submitted by the Awardee 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.

Awardees must comply with the State Comptroller's 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 [apunit@osc.state.ny.us](mailto:apunit@osc.state.ny.us), or by telephone at 518-474-4032.

Awardees must acknowledge 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.

## V. APPLICATION SUBMISSION

### A. Submission Instructions

Applications will be received by the Department on an ongoing basis any time between February 6, 2012 and 4:00 PM on March 30, 2012.

Applicants must complete all fields in the Application document (*Attachment 1*). The Application cannot exceed 15 pages (single spaced, no less than 12-point font), and all pages must be numbered. The completed application must be submitted to the Department electronically via e-mail to [WDTD.Onestop@labor.ny.gov](mailto:WDTD.Onestop@labor.ny.gov). Faxed or mailed applications will not be accepted.

The following five (5) documents must be completed and executed with original signatures of an official authorized to commit the organization to a contract (photocopied signatures are not acceptable). The five (5) completed and signed documents must be mailed to the address below, and be received by the Department within seven (7) calendar days of the electronically submitted application.

- Notice to Individuals Submitting Applications (*Attachment 2*);
- Responsibility Questionnaire (*Attachment 3*);
- Appendix D: State Certifications (*Attachment 4*);
- Equal Employment Opportunity Staffing Plan (*Attachment 8*); and
- MWBE Utilization Plan (*Attachment 10*).

In addition, the Application for Waiver of MWBE Participation (*Attachment 11*) must be submitted with the application only if the applicant is requesting a waiver. Please also note that, if an award is made, the applicant will need to submit the Minority/Women-Owned Business Enterprise Work Force Employment Utilization/Compliance Report (*Attachment 9*) to the Department on a quarterly basis during the term of the contract. Please see Section VI of the RFA for additional information on these forms.

Mail to:

Andrew Gehr  
Attn: New York Youth Works Training and Placement Program RFA # T-2  
New York State Department of Labor  
State Office Building Campus  
Building 12, Room 440  
Albany, New York 12240

Applicants must also comply with Appendix A: Standard Clauses for all New York State Contracts (*Attachment 5*) and Appendix C: New York State Department of Labor General Terms and Conditions (*Attachment 6*), which will be incorporated into the award contract.

### B. Applicant Webinars

The Department will conduct two webinars pertaining to this RFA. Participation in the webinars is optional and applications may be submitted prior to the webinars.

The webinars will take place on February 15, 2012 and February 22, 2012. Information on the webinar times and sign-up instructions will be made available on the New York Youth Works Program website (<http://labor.ny.gov/careerservices/youth-tax-credit.shtm>).

### **C. Questions Concerning This RFA**

Applicants may submit questions via electronic mail to [WDTD.Onestop@labor.ny.gov](mailto:WDTD.Onestop@labor.ny.gov), by fax (518-485-0884) or by mail to the address provided above. All questions should include the following reference: New York Youth Works Training and Placement Program RFA # T-2.

Answers to all questions will be posted on the New York Youth Works Program website (<http://labor.ny.gov/careerservices/youth-tax-credit.shtm>). Prospective applicants may also obtain a hard copy of the questions and answers upon request.

Questions regarding this RFA will be accepted on an ongoing basis. In order to ensure all applicants receive exactly the same information, no telephone inquiries will be accepted.

### **D. General Requirements**

All applications and accompanying documentation will become the property of the State of New York 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.

## **VI. MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES REQUIREMENTS**

The following provides contractor requirements and procedures for equal employment and business participation opportunities for minority group members and New York State Certified Minority and Women Owned Business Enterprises (MWBE). Note that your application must include form MWBE 100 – MWBE Utilization Plan (attached), which should list the MWBEs the Contractor intends to use to perform the State contract.

### **Policy Statement**

Pursuant to New York State Executive Law Article 15-A, the NYS Department of Labor (DOL) 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 DOL 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" (the "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.

***Business Participation Opportunities for New York State Certified Minority-and Women-Owned Business Enterprises (MWBE)***

For purposes of this procurement, DOL hereby establishes an overall goal of 20% for Minority and Women-Owned Business Enterprises (MWBE) participation, 11% for Minority-Owned Business Enterprises (“MBE”) participation, and 9% for Women-Owned Business Enterprises (“WBE”) participation. A Contractor must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of this contract, and Contractor agrees that DOL 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 DOL will determine a Contractor’s “good faith efforts,” refer to 5 NYCRR §142.8.

In accordance with 5 NYCRR §142.13, Bidder/Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and DOL 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 its contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, Bidder/Contractor agrees to submit the following documents and information as evidence of compliance with the foregoing:

- Bidders are required to submit a Utilization Plan on Form #MWBE 100 with their bid or proposal. The Utilization Plan shall list the MWBEs the Contractor intends to use to perform the State contract, a description of the Contract scope of work that the Contractor intends to structure to meet the MWBE goals contained in the State contract, and the estimated or, if known, actual dollar amounts to be paid to, and performance dates of, each component of a State Contract that the Contractor intends to be performed by a NYS Certified minority- or woman-owned business. Any modifications or changes to the agreed participation by NYS Certified M/WBEs after the Contract Award, and during the term of the Contract, must be reported on a revised M/WBE Utilization Plan and submitted to DOL.
- DOL will review the submitted MWBE Utilization Plan and advise the Bidder of DOL’s acceptance, or issue a notice of deficiency within 20 days of receipt.
- 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 DOL (at the address/fax provided for submitting EEO 101 forms on the next page), a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by DOL to be inadequate, DOL shall notify the Bidder and direct the Bidder to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals on Form MWBE 101. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

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

A Bidder who documents good faith efforts to meet the goal requirements may submit a request for a partial or total waiver on Form MWBE 101, at the same time it submits its MWBE Utilization Plan. If a request for waiver is submitted with the MWBE Utilization Plan, and is not accepted by DOL at that time, the provisions of clauses B-D above, will apply.

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 DOL, but must be made no later than prior to the submission of a request for final payment on the Contract.

Contractors are required to submit a Contractor's Quarterly Compliance & Payment Report on Form EEO 101 by the 10<sup>th</sup> day following the end of each quarter during the term of the Contract, documenting the progress made toward achievement of the MWBE goals of the Contract to:

Division of Equal Opportunity Development  
MWBE Administrator  
NYS Dept. of Labor, State Office Campus  
Building 12, Room 540  
Albany, NY 12240,  
518-457-1984 or fax 518-485-2575  
NYC: 212-352-6603

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

#### ***Equal Employment Opportunity Requirements***

By submission of a bid or proposal in response to this solicitation, the Bidder/Contractor agrees with all of the terms and conditions of Appendix A including: Clause 12 - Equal Employment Opportunities for Minorities and Women. The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000, 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 this contract; or (ii) employment outside New York State.

Bidder further agrees to submit with the bid a staffing plan (Form #EEO 100) identifying the anticipated work force to be utilized on the Contract, and if awarded a contract, will, upon request, submit to the Authorized User, a Workforce Employment Utilization/Compliance Report (Form # EEO 101) 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.

## VII. RFA ATTACHMENTS

<b>Attachment</b>	<b>Document Title</b>	<b>Required to be completed and submitted by mail?</b>
<a href="#">Attachment 1</a>	Application	Yes
<a href="#">Attachment 2</a>	Notice to Individuals Submitting Applications	Yes, with original signatures
<a href="#">Attachment 3</a>	Responsibility Questionnaire	Yes, with original signatures
<a href="#">Attachment 4</a>	Appendix D: State Certifications	Yes, with original signatures
<a href="#">Attachment 5</a>	Appendix A: Standard Clauses for All New York State Contracts	No
<a href="#">Attachment 6</a>	Appendix C: New York State Department of Labor General Terms and Conditions	No
<a href="#">Attachment 7</a>	General Information for Successful Bidders	No
<a href="#">Attachment 8</a>	Equal Employment Opportunity Staffing Plan (Form EEO 100)	Yes, with original signatures
<a href="#">Attachment 9</a>	Minority/Women-Owned Business Enterprise Work Force Employment Utilization/Compliance Report (Form EEO 101)	Yes, with original signatures
<a href="#">Attachment 10</a>	MWBE Utilization Plan (Form MWBE 100)	Yes, with original signatures
<a href="#">Attachment 11</a>	Application for Waiver of MWBE Participation Goal (Form MWBE 101)	Yes, with original signatures