

REQUEST FOR APPLICATIONS

Workplace Health and Safety

Bid Number: WHS RFA-#1

Issued on:

September 12, 2016

Amendment #1 on September 30, 2016

Amendment #2 on October 25, 2016 (amendments reflected in red text)

[AMENDMENT #2: Please note this solicitation has been amended to change the application process to integrate fully the Grants Gateway grants management system. After November 4, 2016, all submissions must be through the Grants Gateway system. No submissions postmarked after November 4, 2016 will be accepted. Any applicants mailing an application with a post mark after November 4, 2016 will be contacted and requested to resubmit their application through the Grants Gateway system.]

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 January 31, 2017

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

Amended 10-25-2016

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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, including prevention of assault and discrimination.

AMENDMENT: Please note this solicitation has been amended to change the application process to integrate fully the Grants Gateway grants management system. After November 7, 2016, all submissions must be through the Grants Gateway system. No submissions postmarked after November 7, 2016 will be accepted. Any submissions received with a post mark after November 7, 2016 will be contacted and requested to resubmit their application through the Grants Gateway system.

B. Definitions

Exploited Worker: A paid or unpaid employee that has experienced unfair labor practices such as wage theft, retaliation, unsafe or unsanitary working conditions, unstable or unscheduled hours, sexual harassment, physical assault, discrimination, or illegal deductions for supplies, training, and uniforms.

C. Background

Governor Cuomo's Task Force to Combat Worker Exploitation and Employee Misclassification (Task Force) was made permanent by Executive Order No. 159 in July 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 expand services to help workers who experience occupational health and safety hazards.

Studies estimate that statewide workplace injuries cost \$10 billion annually;¹ 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. 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 vulnerable to abuse.

Several industries, including but not limited to agriculture, construction, landscaping, hospitality, and dry cleaning employ a large percentages of low-wage immigrant workers and evidence high incidence

¹ 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>.

rates of occupational health and safety hazards. The following hazards have been identified as particularly dire or common occurrences in these industries:

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

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:

- Prevention measures against workplace accidents, injuries, illnesses, harassment, and other physical and psychological workplace health and safety concerns;
- Occupational safety and health best practices intended to protect and enhance workplace safety;
- Workers’ rights to seek medical attention and monetary compensation for injuries suffered at the workplace (i.e. through Workers’ Compensation Board claims); and

- Business compliance with occupational safety and health regulations and best practices in partnership with NYSDOL's On Site Consultation program.

II. Award Information

A. Funding

NYSDOL is making up to \$5 million available until March 31, 2017, for the provision of education, outreach, and assistance to workers, including exploited and immigrant workers, in industry-specific health and safety best practices that would have a preventive impact on occupational health and safety violations. Funding is also intended to assist in the promotion of NYSDOL's available on-site consultations to businesses seeking assistance in creating hazard-free workplaces.

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

Single award amounts will not exceed \$200,000. Applications that request more than \$200,000 will still be reviewed and scored by NYSDOL. If the application is awardable, NYSDOL will negotiate with the applicant during contract development to reduce project funding and scope to fit within the \$200,000 cap. Applications unable to remain viable with the reduced funding will not proceed to contract execution. Therefore, it is highly recommended that applicants keep the cost and the scope of the applications within the \$200,000 award cap.

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 award contract, if sufficient funding and time remain. 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.

~~If the applicant reduces the number of individuals to be served at any time prior to or after an award is issued, the requested level of funding will be proportionately reduced.~~

Funding expires March 31, 2017 and any future funding is contingent upon the continued appropriation of funding within the 2018 NYS Budget.

If funding becomes limited prior to the closing date of this RFA, the program will be suspended with adequate notice in the NYS Contract Reporter and also posted on NYSDOL's Funding Opportunity webpage. 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 safe and healthful conditions in the workplace 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:

- Train-the-trainer sessions equipping advocates with the expertise and skills necessary to conduct know-your-rights workshops for broader worker populations, including health and

safety trainings adopting “popular education” curriculum designed for workers that have literacy barriers;

- Workshops, seminars, or clinics intended to provide workers with know-your-rights information about occupational health and safety standards, for instance Open Clinic nights where workers learn about their OSHA rights, including the right to file a complaint free from discrimination. Materials disseminated could include information on the whistleblower protection provisions that OSHA administers under Section 11(c) of the OSH Act;
- 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;
- Programs that complement or supplement existing NYSDOL 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 employers 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 the threat of assault on the job or sexual harassment; and
- Programs which help increase/encourage employer compliance with workplace health and safety regulations, including industrial hygiene initiatives, the New York State SHARPS (Safety and Health Achievement Recognition Program), and NYS Code Rule 60 incentive program.

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

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;
- Any costs related to actual implementation of compliance measures, model practices, or any other enhancements (i.e. capital, structural, equipment, etc.);
- Political activities or devices directed to a member of any State or local legislature or the United States Congress;
- Newsletters, factsheets, 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 against a grant award 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, 2017 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, 2017.

In light of the March 31, 2017 contract date, applicants must include only those trainings and service activities that can be reasonably accomplished within the contract period. If funding becomes

available after March 31, 2017, limited no-cost contract extensions may be approved at NYSDOL's discretion. The length of the extension is dependent on the original contract duration; however, the length of the contract plus the extension cannot exceed a total of 12-months.

Contracts will be paid on a reimbursable payment basis. An awardee must first pay for incurred expenses and then submit a voucher to NYSDOL for reimbursement. Awardees will be required to provide reports at intervals specified by NYSDOL.

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 this system in order to enter into a contract with NYS. All entities must ~~log in to 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 their applications 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 grants, and all information will be stored in a virtual, secured vault. Not-for-profit organizations will ~~only~~ have to ~~prequalify once every three years, with responsibility to keep maintain~~ their information current throughout the three-year period ~~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.

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. Contractor 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.

Applicants must comply with the ~~Standard-Combined~~ Terms and Conditions (Attachment 91), which will be incorporated into the Master Contract of successful applicants.

III. Eligibility Information

A. Applicant Eligibility

Eligible applicants ~~include~~ **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** organizations which:

- Have two or more employees (principals of corporations and owners of businesses such as sole proprietors or partners are not considered to be employees for this criterion);
- 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.

B. **Participant Eligibility-Target Population**

~~Eligible participants under~~ This RFA ~~must be individuals-seeks to assist employed workers~~ that may be experiencing and/or are at risk of work site health and safety hazards. ~~Participants-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 Truck and Waste Disposal Drivers.

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.

IV. Process for Application Submission

A. Questions Concerning this RFA

Applicants may submit questions via electronic mail to WDTD.Onestop@labor.ny.gov. Questions regarding the RFA will be accepted on an ongoing basis until January 16, 2017. No telephone inquiries will be accepted. All inquiries should include the following reference in the Subject line: "WHSRFA-#1 Question". Answers to all questions received by this date will be posted on the NYSDOL website (<http://labor.ny.gov/businessservices/funding.shtm>) no later than January 23, 2017.

B. Assistance in Completing this RFA

Applicants in need of assistance completing this RFA may reach out to Milan Bhatt at NYSDOL at Milan.Bhatt@labor.ny.gov for assistance.

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 January 31, 2017. ~~Any Grants Gateway will not accept any~~ applications or unsolicited amendments to applications ~~received~~ after the due date and time ~~will not be considered in the review process~~. 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. U.S. Post Office, Federal Express, UPS, courier, etc.)~~.

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D. Application Submission Instructions and Format

~~Submit one copy of the entire application and required attachments with original signatures to:~~

~~Milan Bhatt, Esq.
Assistant Deputy Commissioner for Worker Protection
New York State Department of Labor
75 Varick Street, 7th Floor
New York, NY 10013~~

~~Attention: WHS RFA #1~~

~~Technical Sections (Attachment 1) should not exceed 15 single spaced, single sided 8.5 x 11 inch pages. Required attachments (see list below and Interested parties must apply online via the Grants Gateway website at <http://grantsreform.ny.gov> Section VIII of this RFA), supporting documents, minimum requirements, and the budget worksheet (Attachment 2) are not included in this limit. All text should use a 12-point font and 1-inch margins. All pages must be numbered and begin with page number 1.~~

~~The Completed applications should be transmitted in a sealed envelope with~~ must be submitted through the Grants Gateway by the ~~title of~~ designated date and time. In order to submit an application, applicants must be registered and logged in to the ~~RFA, and~~ Grants Gateway as detailed in Section II.E.

In order for an application to be considered, the ~~applicant's name and address clearly displayed on~~ applicant must meet the ~~exterior of~~ eligibility criteria outlined in Section III.A., complete all required parts, and upload all the ~~package~~ 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:

- ~~Technical Proposal~~ Combined Terms and Conditions (Attachment 1)
- Budget Worksheet (Attachment 2).
- Vendor Responsibility – Applicant Questionnaire (Attachment 3).
- State Certifications (Attachment 4).
- Notice to Individuals Submitting Applications (Attachment 5).
- Equal Employment Opportunity Staffing Plan (Attachment 6).
- Minority and Women Owned Business Enterprises (MWBE) Utilization Plan ~~and Requirements~~ (Attachment 7). The MWBE Utilization Plan should list the ~~MWBEs~~ MWBE subcontractors or suppliers the Contractor intends to use to fulfill the contract should the proposed application be awarded. ~~If the applicant organization will not use subcontractors or suppliers to fulfill services, or will be unable to meet the MWBE Goals, it must notify NYSDOL. To do this, it must still~~

~~submit the completed and signed MWBE Utilization plan with the organization's information (name, address, FEIN, etc.).~~

- Application for Waiver of MWBE Participation Goal (Attachment 8). 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 7).**

E. RFA Timetable

- RFA Release Date – September 12, 2016.
- RFA ~~Amended Date~~ Amendment Dates – September 30, 2016 and October 25, 2016
- **Paper Submissions No Longer Accepted – November 4, 2016**
- **Deadline Date for Questions – Ongoing, no later than January 16, 2017.**
- **Deadline Date for Responses to Questions – Ongoing, no later than January 23, 2017.**
- Application/Proposal Due Date – Ongoing, no later than 4:00 P.M. Eastern Standard Time on January 31, 2017.
- Date of Notification of Award – Ongoing as received.
- Latest Possible Contract End Date – March 31, 2017.

V. Application Requirements, Review and Selection

A. Application Requirements and Review

~~In order for an application to be considered, the applicant agency must meet the eligibility criteria outlined in Section III.A, and include all the required documents and information requested in the forthcoming sections.~~

~~The Each application consists of three-four parts—a technical section, a budget section,—Minimum Requirements, Program Design, Budget and attachments to the technical and budget sections. To ensure that all applications are evaluated on the same basis, all of the criteria set forth in subsections A through C below must be included. Each section-Work Plan. The Grants Gateway system will be evaluated-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 described in the technical section. Applications must also be organized in the sequence described below proposed.~~

~~Failure to answer all questions in the application 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 (these part-time employees may work part-time are acceptable, as long as it is year-round) or the equivalent of two (2) full-time employees;
- 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 (<https://grantsgateway.ny.gov>) no later than the due date for the submission of applications 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. 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.

Project Need (19 points)

- a) ~~Applicants must describe how many individuals will~~The number of employed workers anticipated to receive the proposed training or other project services ~~under the proposed project. A description of the typical~~(5 points);
- b) The health and safety issues that ~~the target participants have experienced, are population experiencing, had experienced or are is~~ at risk of experiencing ~~must be included. This description must not include~~is clearly identified, ~~without any~~ specific business identifiers. (7 points); and
- c) ~~Additional points in the scoring of applications will be given to projects proposing to~~Actions that address any unique or unusually difficult problems ~~are clearly identified~~ (7 points).

Project Outreach (12 points)

- d) ~~Applicants must provide detail for how the~~The dissemination methods of information about workplace safety and hazards, as well as education and training opportunities, ~~and regulatory claim assistance, and promotion of available NYSDOL compliance-driven business consultation~~

~~opportunities will be disseminated. The methods are realistic and appropriate to the target population (6 points); and~~

- e) ~~The locations for the project outreach must be specified~~ are realistic and appropriate to the target population (5-6 points).

Target Population (17 points)

- f) ~~Applicants must detail the~~The typical characteristics of the target population, ~~including exploited and immigrant workers,~~ to be served by the proposed project. ~~Applicants must identify; the~~align with the proposed health and safety issues (3 points);
- g) ~~The~~ efforts the proposed project has or will take to identify and analyze the target group's individual ~~health and safety training needs; the relevance of the proposed project to the target group's identified needs; the cause and effect relationship of accidents/health issues for the target group; the need for prescribed behavior modification; and the corrective measures to decrease the severity or incidence rate of injury.~~ safety and health training needs is clearly identified (2 points);
- h) ~~Additional~~The relevance of the proposed project to the target group's identified needs is clearly aligned (2 points ~~in scoring will be given to applicants that demonstrate participant input was~~);
- i) ~~The~~ cause and effect relationship of accidents/health issues for the target group is clearly aligned (2 point);
- j) ~~The~~ need for behavior modification, if necessary, is clearly identified. If not necessary, it is identified as not being necessary. (2 point);
- k) ~~The~~ corrective measures to decrease the severity or incidence rate of injury are clearly identified (2 point);
- l) ~~Participant input was clearly~~ solicited in developing the application (2 points); and ~~that feedback will~~
- m) ~~A plan to continue to be incorporated~~incorporate participant feedback into the project design is clearly identified (2 points)

k. Project Activities

~~Applicants must provide, with clarity and specificity, the observable objectives, learning activities and performance monitoring techniques that will be applied, such as what the participants will or will not do differently following receipt of a project training or service. Applicants must address how the training or service will be provided in relation to the relevant characteristics of the target group; such as educational level, language spoken, prior training and experience. This consideration of project activities to target group characteristics should include project and course materials, lectures, discussions, demonstrations, and field exercises.~~

l. Evaluation Methodology

~~Applicants must detail, with specificity, a plan to evaluate project effectiveness, and the appropriateness of the methodology that will be used to measure the achievement of project objectives.~~

Experience/Past Performance (12 points)

- n) ~~Applicants must demonstrate the~~The applicant's ability to plan and implement the program is clearly demonstrated (4 points);

- o) The applicant's prior effectiveness in planning, implementing, and operating previous occupational safety and health projects or similar activities ~~must also be demonstrated.~~ designed specifically for exploited workers (4 points); and
- p) The applicant's administration of current or recent programs (4 points).

3. Budget ~~Worksheet~~

~~Applications must demonstrate a~~ A total of 20 points will be available in scoring the demonstration of reasonableness and accuracy. The budget narrative is worth 5 points and 15 points is available for a combination of services provided overall as well as a cost comparison of subcontracted activities or purchased items.

The Budget Worksheet (Attachment 2) must demonstrate the reasonableness and accuracy of each budget component found in the Grants Gateway budget in relation to the proposed project activities, ~~training and services, as well as~~ the reasonableness of cost in relation to the proposed number of ~~people-hours of training, numbers to be served and the trained,~~ complexity of ~~activities proposed~~ training, etc.

The reasonableness of the costs associated with the activities is based on a comparison of similar activity costs with like activities of two other similar providers that show the chosen provider's costs to be lower or comparable, or, if less than three similar providers were contacted, the applicant provides 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 ~~the~~ 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.

~~All proposed expenditures must be reasonable, necessary, and clearly related to the purposes and activities of the services as described in the Technical Section (Attachment 1).~~

~~Please use the following as a guide to complete the Budget Worksheet (Attachment 2). Planned costs must be directly related to the delivery of the proposed activities that will take place during the contract term. Some costs may not be allowable in your program, or some of the conditions connected to certain expenses may not be applicable.~~

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 Benefits:

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.

~~Contracted Services:~~

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 ~~Expenses:~~

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. 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 NYS DOL approval.

~~Project Training Costs:~~

~~For each course, list the duration of the training, the course name, the number of individuals being trained, the name of the training provider, its federal employer identification number or the title of any internal company trainer, the hourly rate or cost per course paid to the provider, the number of hours of training, the total project costs as well as the amount funded from the contract and the amount funded from company match. In addition, indicate if the training is off-site instructional, consultant training or in-house training.~~

~~Project Service Costs:~~

~~For each service, list the duration of the service to be provided, the number of individuals being served, the name of the service provider, its federal employer identification number or the title of any internal company service provider, the hourly rate paid to the provider, the number of hours of service, the total project costs as well as the amount funded from the contract. In addition, indicate if the service is being provided off-site or in-house.~~

e. ~~Other~~ Operating Expenses:

~~List other items not included under any other category~~ List operating expenses, such as supplies, postage, printing, photocopying, and telephones. Any type of expense outside of the categories listed above and any exceptional dollar amounts must be explained in the budget narrative.

f. 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.

Budget Narrative:

The budget narrative must provide a concise narrative explanation of costs associated with eachline item indicated in Section V.A.3 (a-g) of this RFA.

Evaluation of Applications

A complete application, including the technical section, budget section and all attachments, must be submitted so that NYSDOL can conduct a full and proper evaluation. Application scores will consist of 80% on technical merit and 20% on cost. Scoring of technical merit will award points based on a “criteria met” or “criteria not met” scale.

Evaluation Criteria

The Evaluation Criteria has three parts: the Minimum Requirements, the Technical Review, and the Budget Review. Each is described below.

Minimum Requirements

No points will be awarded for this section of the application. Failure to meet minimum requirements will result in an automatic rejection of the application and scoring will not proceed. Minimum requirements as detailed in Section V.A.1 must be attested to by the applicant.

Technical Review (up to 80 points)

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 activities as ~~detailed below~~ proposed in the Program Design (5 points);

The application must fully describe, identify and document:

- b) The ~~worker exploitation target groups have experienced health risks, are experiencing or at risk of experiencing health risks (without any specific business identifiers) (5 points);~~ and tasks as described align with the associated objective and upon completion will attain the objective (5 points);
- c) The ~~actions that address any unique or unusually difficult problems performance measures as proposed will measure the associated objective attainment (5 points);~~ and ~~hazards, as well as education and training opportunities (5 points);~~ and
 - d) The locations for the project outreach (5 points).

Target Population (16 points)

The typical characteristics of the target population, including exploited and immigrant workers, to be served by the proposed project (2 points);

~~The efforts the proposed project has or will take to identify and analyze the target group's individual safety and health training needs (2 points);~~

~~The relevance of the proposed project to the target group's identified needs (2 points);~~

~~The cause and effect relationship of accidents/health issues for the target group (2 point);~~

~~The need for behavior modification that may be necessary (2 point);~~

~~The corrective measures to decrease the severity or incidence rate of injury (2 point);~~

~~How participant input was solicited in developing the application (2 points); and~~

~~A plan to continue to incorporate participant feedback into the project design (2 points).~~

Project Activities (19 points)

~~The observable objectives, learning activities and performance monitoring techniques (7 points);~~

~~How the training or service will be provided in relation to the relevant characteristics of the target group (6 points);~~

~~How project and course materials, lectures, discussions, demonstrations, and field exercises will be provided in relation to the characteristics of the target group (6 points).~~

Evaluation Methodology (10 points)

~~A plan to measure will evaluate project effectiveness (5 points); and).~~

~~The appropriateness of the methodology used to measure achievement of project objectives (5 points).~~

Experience/Past Performance (10 points)

~~The applicant's ability to plan and implement the program (4 points);~~

~~The applicant's prior effectiveness in planning, implementing, and operating previous occupational safety and health projects or similar activities designed specifically for exploited workers (3 points); and~~

~~The applicant's administration of current or recent programs (3 points).~~

Budget Review (up to 20 points as described below)

~~— **Overall Budget (5 points):** An overall budget for expending the funds and specifics on the costs for the training that will be offered must be furnished~~

~~— **Training specific Budget (15 points):** The budget must demonstrate the reasonableness of the costs associated with the training by comparing training costs with two other training providers that show the chosen provider's costs to be lower or comparable, or, if less than three bidders were contacted, provides compelling justification for doing so. The training cost comparisons must be among like training courses. Please note that if the selected training provider is not the lowest cost of the three bidders, compelling justification for their selection must be provided. Failure to do so will result in a lower award if reasonableness of cost is provided for some but not all of the proposed training, or no award if not provided for any of the proposed training, even if the application receives an overall passing score.~~

~~NYSDOL reserves the right to request additional information from applicants during the cost scoring process if the budget information is unclear.~~

~~During the program cost review process, potentially unallowable costs will not be removed from the proposal. However, during the award process and contract negotiation, if it is determined that unallowable costs were included in the proposal, those costs will not be included in the contract.~~

B. Method of Selection

The method of selection will be based on a point system with the ~~technical portion of the rating criteria~~ Program Design worth ~~80%~~60%, the Budget section being worth 20%, and on the ~~budget-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 WHSRFA.

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 contractor 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 grantees 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 contractor must provide documentation that the service was provided. This documentation will be negotiated as part of the contract development process.

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 the Contractor 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 contractor shall 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, by email at helpdesk@sfs.ny.gov, or by telephone at 855-233-8363. The Contractor 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 applicant's 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 company 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. Postpone or cancel this RFA upon notification to all applicants;
2. Amend the specifications after their release with appropriate notice to all applicants;
3. Remove applications with unreasonable costs from award consideration;
4. 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);
5. Waive or modify minor irregularities in proposals received after prior notification to the applicant;
6. Correct any arithmetic errors in any application;
7. Reject any and all applications received in response to this RFA;
8. Award contracts to more than one applicant;
9. Negotiate with selected applicant prior to contract award; and
10. Make any payment contingent upon the submission of specific deliverables.

VII. Attachments

Attachment Number	Document Title	Required to be completed and submitted by mail uploaded to the Grants Gateway
1	Technical Proposal Combined Terms and Conditions – A-1	Yes, with original signatures
2	Budget Worksheet	Yes
3	Vendor Responsibility – Applicant Questionnaire	Yes, with original signatures
4	State Certifications	Yes, with original signatures
5	Notice to Individuals Submitting Applications	Yes, with original signatures
6	Equal Employment Opportunity Staffing Plan	Yes, with original signatures
7	Minority and Women-Owned Business Enterprises Utilization Plan and Requirements	Yes, with original signatures
8	Application for Waiver of Minority and Women-Owned Business Enterprise Participation Goal	Yes, with original signatures
9	Master Contract – Standard Terms and Conditions	No

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.