

# **REQUEST FOR APPLICATIONS**

## **Consolidated Funding Applications for Workforce Development Initiatives**

### **New Hire Training (CFA WDI - NHT)**

Issued on

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

Division of Employment and Workforce Solutions

Harriman Office Campus

Building 12, Room 440

Albany NY, 12240

Submission Deadline:

**Ongoing**

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## Table of Contents

<b>I. Funding Opportunity Description .....</b>	<b>3</b>
A. Purpose .....	3
B. Background .....	3
<b>II. Award Information .....</b>	<b>4</b>
A. Funding .....	4
B. Use of Funds .....	4
C. Leveraged Resources .....	7
D. Contracts .....	7
E. Contracting Process .....	8
F. NYSDOL's Responsibilities .....	8
G. Applicant Requirements .....	8
H. Participation Requirements .....	9
<b>III. Eligibility Information .....</b>	<b>11</b>
A. Applicant Eligibility .....	11
B. Trainee Eligibility .....	11
C. Program Services .....	12
<b>IV. Process for Application Submission .....</b>	<b>14</b>
A. Questions Concerning this RFA .....	14
B. Assistance in Completing this RFA .....	14
C. Application Due Date .....	14
D. Application Submission Instructions and Format .....	14
E. Grants Gateway Registration and Prequalification Status .....	16
F. RFA Timetable .....	16
<b>V. Application Review and Selection .....</b>	<b>17</b>
A. Application Process .....	17
B. Evaluation of Phase Two Applications .....	17
C. Evaluation Criteria .....	18
D. Method of Selection .....	23
<b>VI. Award Administration and Information .....</b>	<b>24</b>
A. Award Notices .....	24
B. Payment .....	24
C. General Requirements .....	25
D. Buy American Requirements .....	25
E. Federal and NYS Executive Orders .....	25
F. Reservation Clauses .....	26
<b>VII. Definitions .....</b>	<b>27</b>
<b>VIII. Attachments and Appendices by CFA Portal Question Number .....</b>	<b>32</b>

# **I. Funding Opportunity Description**

## **A. Purpose**

The purpose of this Consolidated Funding Application (CFA) for Workforce Development Initiatives (CFA WDI) New Hire Training (NHT) Program Request for Application (RFA) is to secure the services of eligible organizations that can assist the New York State Department of Labor (NYSDOL) by providing on-the-job occupational skills training commensurate with REDC priorities to newly hired employees. Priority funding will be given to businesses that provide training that aligns with significant statewide initiatives as established by Governor Cuomo's Regional Economic Development Councils (REDCs).

## **B. Background**

Building on the eight-year success of the CFA for economic development, Governor Cuomo established this new CFA WDI for workforce development initiatives to support strategic regional efforts that meet businesses' short-term workforce needs, improve regional talent pipelines, expand apprenticeships, and address the long-term needs of expanding industries. This new investment strategy focuses on emerging fields such as clean energy, health technology, and computer science, that have a growing demand for jobs. Funding available under this strategy also seeks to support efforts to improve the economic security of women, youth, and other populations that face significant barriers to career advancement.

As part of this comprehensive workforce development initiative, NYSDOL is offering three parallel funding opportunity programs through the CFA portal; NHT, Existing Employee Training (EET), and Unemployed/Underemployed Worker Training (UWT). Applicants may apply for one or more funding opportunity programs as part of this comprehensive approach. Applicants should apply for all CFA WDI program(s) of interest via one submission. In doing so, Applicants will only have to answer the CFA portal's basic questions, such as contact information and project location, once for all applications.

### **Regional Economic Development Councils (REDCs)**

The REDC initiative is a transformative approach to New York State (NYS) investment and economic development. In 2011, Governor Cuomo established 10 Regional Councils to develop long-term strategic plans for economic growth in their regions. The Councils are public-private partnerships made up of local experts and stakeholders from business, academia, local government, and non-governmental organizations.

The 10 regions are based on existing Empire State Development (ESD) and NYSDOL regional boundaries, which allows for maximum efficiency and the ability to capitalize on existing programs, synergies and relationships. Each REDC considers its region's individual strengths and builds upon existing assets which make them unique in order to develop regional strategies and projects that demonstrate the greatest potential for job creation and economic opportunity.

The REDC initiative uses the CFA as the primary mechanism to fund projects that align with regional and NYS priorities.

## II. Award Information

### A. Funding

Under this RFA, up to \$6 million (of which \$1 million is federal Workforce Innovation and Opportunity Act (WIOA) funding and \$5 million is NYS reemployment services funding) is being made available to provide on-the-job occupational skills training commensurate with REDC priorities to employees upon being hired. Additional funding may be made available at a later date, depending on program need and the continued availability of funding. Any potential amendments to this RFA, including additional funding being made available, will be posted on NYSDOL's website and in the NYS Contract Reporter. Applications will be accepted and reviewed on an ongoing basis at any time while this funding opportunity is available. Unsuccessful Applicants have the option to modify their application and re-submit, if funding and time remain.

Applicants are eligible to receive reimbursement for up to 75% of the newly hired employees' wages for a period of time appropriate for the employee to become proficient in the occupational skill, but not to exceed one year (maximum award period). For further information on reimbursement levels, see section [II.B.](#), [V.C.](#), and the Detailed Budget Attachment (DBA) in [section VIII](#) of this RFA.

NHT awards may not exceed \$100,000 per Applicant. Applications that request more than \$100,000 will be reviewed and scored by NYSDOL. [If the application is awardable, NYSDOL will proportionately reduce the project funding at the time of award to fit within the maximum funding amount. 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 scope of applications within the maximum award amount.](#)

Applicants may only apply for one NHT grant under this RFA, not one per location.

Applicants must draft their CFA funding requests as stand-alone training. The application must not be based in whole or in part on the assumption that they will receive complementary funding from other CFA WDI programs or agencies. The amount of funding requested of NYSDOL should be calculated based on the number of newly hired workers to be trained.

If the Applicant reduces the number of individuals to be trained at any time prior to or after an award is issued, the requested level of funding will be proportionately reduced by NYSDOL.

All awards are subject to funding availability.

### B. Use of Funds

The NHT Program is intended to fund on-the-job occupational skills training for newly hired workers in need of skill upgrade training for their job responsibilities immediately after hire.

NYSDOL has established an On-the-Job Training (OJT) wage reimbursement policy for the NHT Program. The reimbursement level to a business may not exceed 75% of the wage rate of the trainee for businesses with 100 or fewer employees and 50% of the wage rate of the trainee for those businesses with more than 100 employees.

Please note that all OJTs must pay at least the NYS minimum wage, which can be found at: <https://www.ny.gov/new-york-states-minimum-wage/new-york-states-minimum-wage>. No funds are available for any other costs under the NHT RFA, including administrative costs, direct and indirect. This RFA does not involve a sub-recipient relationship between the Applicant and NYSDOL, which makes payment of indirect costs unwarranted in this situation.

The newly hired employees who receive training through this opportunity must be hired for full-time employment in NYS, defined as 35 hours per week, paying at least the NYS minimum wage, and with an emphasis on higher wages.

Additional points will be given to applications providing wages higher than the current NYS minimum wage. Wage calculations to determine NHT reimbursement may not include payment for holiday, vacation, sick leave or overtime hours worked (defined as hours in excess of 40 hours per week).

Training must take place on company time while the trainee is engaged in productive work and trainees must be paid wages at no less than the normal rate of pay for employees performing the same duties. Applications wherein the employees attend training on their own time, whether voluntarily or involuntarily, will not be reviewed. Trainees cannot contribute to the cost of the training.

For those Applicants also applying for other NYSDOL CFA WDI funding opportunities, funds for multiple programs cannot be combined to use on the same trainees. For example, an Applicant may not use NHT Program funds to train a newly hired worker on-the-job and then use EET Program funds to send the same worker to classroom training. Each group of trainees must remain separate and distinct and be trained solely under one NYSDOL CFA WDI Program.

## **1. On-the-Job Training**

Permissible training activities under this RFA are further described below.

OJT is training by a business provided to an employee while the employee is engaged in productive work. Further, OJT activities:

- Provide transferable knowledge or skills essential to the full and adequate performance of the job; and
- Are limited in duration as appropriate to the occupation (not to exceed one year for purposes of this RFA) for which the employee is being trained, taking into account the content of the training, the prior work experience of the employee, and the service strategy of the employee.

Please note that the training provided under OJT is to participants who have been hired by the business. Independent contractors or contract employees are not eligible for participation. The Applicant may not apply for the training of seasonal positions or positions that are based on the addition of commission or tips to a sub-minimum wage-based salary.

The Applicant business must be willing to assure that:

- The intention in hiring is for the newly hired employee to remain employed with the business at the same or higher rate of pay upon completion of the training;

- The training will take place during the newly hired employee’s work hours (i.e., during the shift/hours for which the worker was hired) and the employee will be paid wages at no less than the employee’s normal rate of pay;
- No currently employed worker shall be displaced by the newly hired employee, including a partial displacement such as a reduction in the hours, wages, or employment benefits; and
- Training is in compliance with NYS labor law and federal law for the protection of workers.

## 2. Restrictions on Types of Trainings

NHT funding will only pay for the eligible costs identified in the Use of Funds Section ([II.B.](#)) of this RFA. The following types of trainings do not constitute on-the-job training(s) for this RFA and are not allowed:

- Human Resources training; Basic Safety training; Sexual Harassment training; Diversity training; or Orientation training (the provision of these types of training is a normal cost of doing business);
- Stand-alone remedial training (including “soft skills”, such as communication, team development, conflict resolution);
- Training required as part of a federal, NYS or local government mandate (i.e., OSHA);
- Stand-alone Microsoft Office applications (i.e., Word, Excel, PowerPoint, etc.) and other basic office software applications (QuickBooks, Adobe, etc.). Note: this refers to stand-alone courses in individual applications; it does not refer to larger certifications such as Microsoft Office Specialist;
- English as a Second Language (ESL) training (as a standalone course); and
- Any **other trainings deemed inappropriate by NYSDOL**, such as training that does not result in a transferable skill, activities determined to be business consulting rather than training (i.e., coaching, reinforcement, etc.) and any other training(s) that do not meet the intent of the RFA.

If an Applicant is unsure about restricted trainings, it should consider asking specific questions before the Questions Deadline identified in [Section IV.A.](#) of this RFA and listed in the RFA Timetable ([Section IV.F.](#)).

## 3. Restrictions on the Use of Funds

NHT funding will not pay for any of the following items:

- Training of undocumented workers;
- Fringe benefits of trainees;
- Supervision costs of trainees;
- Hardware that may be required to access online or distance learning instruction;
- The acquisition, construction, or renovation of buildings or other real estate;
- The purchase of any equipment;
- The purchase of operational software not directly associated with the training (the determination of being directly associated with the training is at NYSDOL’s discretion);

- Transportation beyond 550 miles, lodging, and meal costs for relocating in-house or subcontracted trainers for the provision of the proposed training program;
- Advertising (except for recruitment efforts);
- Entertainment;
- Interest costs incurred by provider agencies;
- Costs of organized fund raising;
- Conferences, seminars, or payment of fees associated with attendance at seminars, conferences, or meetings of professional organizations;
- Start-up costs, curriculum development, and assessment costs on the part of the Applicant; and
- Any other costs deemed inappropriate by NYSDOL and that do not meet the intent of the RFA.

### **C. Leveraged Resources**

If costs for the training program are shared with other funding sources, the proposal must identify the leveraged resources used to allocate costs among funding sources.

Although leveraged funds from the Applicant that exceed the reimbursement rate of the trainee's wages are not required, points will be awarded during the scoring process based on the percentage of leveraged funds being used.

### **D. Contracts**

The contract start date for all contracts resulting from this solicitation may be no earlier than the date of the award letter issued by NYSDOL and no later than six (6) months after the date of the award letter. Any training that begins or is paid for prior to the contract start date will fall outside the contract period and be ineligible for reimbursement. Additionally, any training provided after the contract end date will also fall outside the contract period and will be ineligible for reimbursement.

After NYSDOL issues an award letter, the award must go through a contract development and contract execution process and ends with final execution of the contract. Therefore, if an Applicant chooses a contract start date that begins prior to contract execution, the Applicant will be operating at risk for any activities performed prior to the date of final execution of the contract.

Contracts resulting from this solicitation will be awarded for a period of up to one (1) year. Applicants must include only the training opportunities that can be reasonably accomplished within a one-year time period. Under extenuating circumstances, limited no-cost contract extensions may be approved at NYSDOL's discretion. Once a contract is developed and formally executed, the successful Applicant will be considered a NYSDOL Contractor. Funds will be released to the Contractor on a cost reimbursable basis. This means that a Contractor must first pay the 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. Additional details on reimbursements and payments are outlined under the Payment Section ([VI.B.](#)) of this RFA.

Please note that NYSDOL must adhere to New York State Prompt Contracting Law timeframes for executing contracts awarded to not-for-profits entities. This Law provides for interest payments when

contract payments are late due to untimely processing of contracts. However, if there are delays in the contract process on the part of the contractor, Suspension of Prompt Contracting timeframe letters may be issued to render the contractor ineligible for interest for the number of days of delay.

In addition, the United States Department of Labor (USDOL) may conduct an independent evaluation of the outcomes and benefits of NHT funding. By accepting an NHT Program award under this RFA, the Applicant agrees to participate in any such evaluation.

## E. Contracting Process

In keeping with the Governor's promise to reform NYS'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 Applicants must log-in to the Grants Gateway website at <https://grantsmanagement.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 (NFP) 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 NFP organizations prior to submitting an application.** Failure to do so will mean that their application will not be reviewed. NFP organizations will be able to submit their responses online, and, once reviewed and approved by a NYS agency prequalification specialist, the NFP organization will be able to submit an application. All information is stored in a virtual, secured vault. NFP organizations must keep their information current throughout a three-year period, including uploading annual documents (i.e., 990, etc.).

For additional information on registration and prequalification, please log on to the Grants Gateway website at <https://grantsmanagement.ny.gov> or <https://grantsmanagement.ny.gov/resources-grant-applicants>. For additional technical assistance with the Grants Gateway website, please note:

- Hours of Operation: Monday through Friday, 8:00 A.M. to 8:00 P.M. NYS Time;
- Phone Number: 1-800-820-1890; and
- Email: [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov).

## F. NYSDOL's Responsibilities

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

Funding for the activities outlined in this RFA will come, in part, from funds available under WIOA and is subject to NYS and Federal legislative appropriation. NYSDOL staff will ensure accurate and timely reporting of program outcomes as well as Federal evaluation documentation as required by USDOL.

## G. Applicant Requirements



By submission of an application in response to this solicitation, Applicants agree with Minimum Threshold Requirements ([Section V.C.1.](#)) and all of the terms and conditions set forth in the attachments to this RFA.

Applicants must comply with the Combined Terms and Conditions ([CTC](#)), which will be incorporated into the Master Contract ([MC](#)) of successful Applicants.

## H. Participation Requirements

Please refer to [Section VIII](#) (Attachments and Appendices) for further information on these participation requirements.

### 1. Business Participation Opportunities for MWBEs

Pursuant to NYS Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations (NYCRR), NYSDOL is required to promote opportunities for maximum feasible participation of NYS certified Minority and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of the NYSDOL contracts.

For purposes of this solicitation, NYSDOL has determined that the Contract does not offer sufficient opportunities to set specific goals for participation by MWBEs as subcontractors, service providers, and suppliers to Applicant. NYSDOL hereby establishes an overall goal of 0% for MWBE participation, 0% for NYS certified minority-owned business enterprises (“MBE”) participation and 0% for NYS certified women-owned business enterprises (“WBE”) participation (based on the current availability of MBEs and WBEs). Nevertheless, Applicant is encouraged to make good faith efforts to promote and assist in the participation of MWBEs on Contracts. The directory of NYS Certified MWBEs can be viewed at: <https://ny.newnycontracts.com>

Applicant is encouraged to contact the NYSDOL MWBE Administrator at 518-474-2678 or [labor.sm.MWBEAdmin@labor.ny.gov](mailto:labor.sm.MWBEAdmin@labor.ny.gov) to discuss methods of maximizing participation by MWBEs on contracts.

### 2. Equal Employment Opportunity Staffing Plan

An Applicant will be required to submit the Equal Employment Opportunity Staffing Plan (EEO 100, MWBE-2) with its application as evidence of compliance with the foregoing.

By submission of an application in response to this solicitation, the Applicant agrees with all of the terms and conditions of the Master Contract (MC) and the Combined Terms and Conditions (CTC), specifically Section VI.J. Contractors are required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the contractor, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the contract; or (ii) employment outside NYS.

The Applicant will be required to submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement ([MWBE-1](#)) to NYSOL with its application.

If awarded a contract, an Applicant shall submit a Workforce Utilization Report (EEO 101, [MWBE-3](#)) and shall require each of its subcontractors to submit a Workforce Utilization Report, in such format as shall be required by NYSDOL on a quarterly basis during the term of the contract.

Pursuant to Executive Order #162, Contractors and subcontractors will also be required to report the gross wages paid to each of their employees for the work performed by such employees on the contract utilizing the EEO 101 ([MWBE-3](#)) form on a quarterly basis.

Further, pursuant to Article 15 of the Executive Law (the “Human Rights Law”), all other NYS and Federal statutory and constitutional non-discrimination provisions, the Contractor and subcontractors 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 NYS Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility 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.

### **3. Participation Opportunities for NYS SDVOBs**

Article 17-B of the NYS Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOB”), thereby further integrating such businesses into NYS’ economy. NYSDOL recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of NYSDOL contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in NYS, Applicants are expected to consider SDVOBs in the fulfillment of the requirements of the contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

For purposes of this procurement, NYSDOL has determined that the Contract does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors, service providers, and suppliers to Applicant. Nevertheless, Applicant is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on contracts. The directory of NYS Certified SDVOBs can be viewed at: <https://online.ogs.ny.gov/SDVOB/search>

Applicant is encouraged to contact the Office of General Services’ Division of Service-Disabled Veteran’s Business Development at 518-474-2015 or [VeteransDevelopment@ogs.ny.gov](mailto:VeteransDevelopment@ogs.ny.gov) to discuss methods of maximizing participation by SDVOBs on the Contract.

### III. Eligibility Information

#### A. Applicant Eligibility

Eligible Applicants for NHT funding include for-profit entities, including corporations, LLCs, LLPs, etc.; and private sector NFP entities which:

- Have or will have openings for employees in need of on-the-job occupational skills training(s). The training(s) must be completed in one year;
- Have two (2) or more employees or the equivalent of two (2) or more full-time employees. Principals of corporations and owners of businesses such as sole proprietors or partners, are not considered to be employees for this eligibility requirement. An Applicant is not eligible to apply if it has no employees or if the workers are independent contractors, subcontractors or contract employees. However, if an Applicant leases its employees for payroll and tax reporting purposes, and has authority over the hiring, firing and scheduling of workers, it is eligible for funding consideration; and
- Are in good standing with regard to the laws, rules, and regulations for: Unemployment Insurance (UI), 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.

NHT funds are separate from any other workforce development funding an Applicant may have received from NYSDOL. Applicants with existing or pending contracts with NYSDOL remain eligible to apply for funding under this NHT RFA, but the application must not propose **the same** services to the same individuals as the existing or pending NYSDOL contract(s). In addition, the payments requested from awarded contracts under this RFA cannot duplicate reimbursement from other sources of funding.

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

The use of a grant writer is acceptable if the Applicant, and not the grant writer, commits to implementing the proposed training program, if the application is successful.

Eligible Applicants must attest to the Minimum Threshold Requirements as outlined in the Evaluation Criteria Section ([V.C.](#)) of this RFA.

An Applicant and its components are only eligible for one award **at a time** under this RFA, not one per location, and are subject as a whole to the funding limitations described in this RFA. Separate operations or locations of an eligible Applicant may apply separately, but only if they have different Federal Employer Identification Numbers (FEINs). However, NYSDOL will also have to confirm that all such branches, locations, and companies are not part of a greater whole.

#### B. Trainee Eligibility

A newly hired worker under this NHT RFA must have been hired as an employee of the Applicant business within six (6) months of the start of the training. Newly hired workers must be hired as full-time employees of the Applicant's business and not independent contractors or contract employees. Seasonal positions or positions that are based on the addition of commission or tips to a sub-minimum

wage base salary are ineligible for NHT reimbursement. Trainees must work a minimum of 35 hours per week.

The Applicant must attest that no currently employed worker shall be displaced by the newly hired employee, including a partial displacement such as a reduction in the hours, wages, or employment benefits.

In particular, this NHT RFA will provide additional points in scoring to applications indicating a plan to hire and train individuals in priority populations. Priority populations are defined, in Section VII, as individuals who meet the WIOA definition of individuals with barriers to employment and include: Displaced homemakers; Low income individuals; Native Americans; Individuals with disabilities (including youth with disabilities and recovering drug addicts); Older individuals; Individuals currently and formerly involved in the justice system; Homeless individuals or homeless youth; Youth who are in or have aged out of the foster care system; Individuals who are English language learners; Individuals who have low levels of literacy; Migrant and seasonal farm workers; and Single parents (including single pregnant women).

In addition, as permitted by WIOA Section 3(24) for this NHT funding opportunity, NYSDOL recognizes the following individuals as having barriers to employment: Long term unemployed workers (defined as individuals who, at the time the NHT-funded program starts, were unemployed for 20 weeks or more); TANF and SNAP recipients; and Veterans.

Please note that this solicitation is federally funded, therefore all men born on or after January 1, 1960, who will be served under this RFA, must be registered with Selective Service.

If a male participant is between the ages of 18 and 26, he may register online at <https://www.sss.gov/Registration-Info> and provide his registration number on the Trainee Information Form. If a male participant is not registered and is 26 years of age or older, he must sign an Attestation stating that his failure to register was not willful. The Trainee Information Form and the Attestation Form will be provided to each Applicant after an award is made.

A list of those who are required by law to register with Selective Service may be found online at <https://www.sss.gov/Registration-Info/Who-Registration>.

## **C. Program Services**

### **1. Occupational Skills Training and Career Development**

On-the-job occupational skills training is defined as instruction conducted in a worksite setting designed to provide individuals with, or upgrade them in, the skills required to perform a specific job or group of jobs needed by the business.

Applicants will be required to describe their strategies to identify eligible trainees and build awareness of career development among trainees.

### **2. Credentials**

Occupational skills training may assist in the development of a career ladder which improves a trainee's skills, often providing a credential to the trainee, while also leading to a long-term career in higher skills occupations.

Credential is defined as an attestation of qualifications or competence issued to an individual by a third party (such as an educational institution or an industry or occupational certifying organization) with the relevant authority or assumed competence to issue such a credential. A credential is not a certificate of completion for a course. Examples of credentials include:

- A secondary school diploma or its recognized equivalent; and
- Recognized postsecondary credentials which include Associate's and Bachelor's degrees; occupational licensures; occupational certificates, including Registered Apprenticeship and Career and Technical Education educational certificates; occupational certifications; and other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment.

Recognized postsecondary credentials must be awarded in recognition of an individual's attainment of measurable or industry/occupational skills and not the attainment of work readiness or general skills only (i.e., safety, hygiene, and computer security).

Credentials are generally achieved for skills improvements that are crucial to talent development for businesses and are often portable and transferable across multiple industries. Stackable credentials, which are part of a sequence of credentials that can be accumulated over time, build up an individual's qualifications, and help the individual to move along a career ladder to potentially higher-paying jobs.

While an Applicant can apply if the proposed training program does not provide a credential, additional points will be awarded during the scoring process to those programs that help trainees achieve credential(s) given by third-party issuers or accredited institutions.

Credential is defined in [Section VII](#) of this RFA.

### **3. Alignment with WIOA Regional Priorities**

Applicants that align their proposed occupational skills training program with the priorities outlined in WIOA Regional Workforce Plans regarding priority industries and sector strategies will be awarded additional points in scoring. Regional Plans from 2016 may be found at <https://labor.ny.gov/workforcenypartners/lwda/regional-plans.shtm>. A spreadsheet of priority industries by region from the 2016 Regional Plans is attached to this RFA ([PIR Attachment](#)).

Applicants can propose training for multiple titles within a selected industry or across industries based on the occupational skill training needs of the business. Applicants must indicate a single industry to which the majority of the proposed program will serve.

### **4. Target Geography**

NHT funding will promote availability of occupational skills training programs leading to employment of trainees in distressed communities by providing additional points during scoring to programs identified as serving counties identified in high need areas. Applicants must determine which county the proposed training program will serve. If multiple counties will be served, Applicants are asked to identify the county to which the majority of the trainees will be from. NYSDOL will make a determination if the proposed training program is offered in locations of high, moderate, or low need counties (see the full list of Counties of Need in [Section VII](#) of this RFA).

## 5. Reporting Requirements

The contractor must submit individual participant level data to NYSDOL. NYSDOL staff will record this data in the One-Stop Operating System (OSOS).

OSOS is NYSDOL's case management system and is used to record basic participant information, as well as to track the provision of required services. OSOS is a web-based job matching, case management, and reporting system that allows workforce professionals to effectively manage workforce development programs.

NYSDOL may require quarterly reports on program updates, progress, and success. This may include information beyond the available data in OSOS.

## IV. Process for Application Submission

### A. Questions Concerning this RFA

Applicants may submit questions via electronic mail to [CFA@labor.ny.gov](mailto:CFA@labor.ny.gov). Questions regarding the RFA will be accepted until funds are exhausted. No telephone inquiries will be accepted. All inquiries should include the following reference in the Subject line: "CFA WDI NHT Question". Answers to all questions will be posted on the NYSDOL website (<http://labor.ny.gov/businessservices/funding.shtm>) on an ongoing basis.

The NYSDOL CFA WDI Team cannot see applications in the CFA portal until applicants successfully complete the threshold questions and are in progress. The NYSDOL CFA Team can only answer program related questions. Applicants should direct any technical questions about the CFA portal to [cfa-tech@ny.gov](mailto:cfa-tech@ny.gov).

### B. Assistance in Completing this RFA

Eligible Applicants may speak with a NYS Career Center Business Services Representative (BSR) for technical assistance or support during the development of the application. BSRs contact information may be found at the following link: <https://www.labor.ny.gov/formsdocs/factsheets/pdfs/p469.pdf>.

### C. Application Due Date

The completed application with all required attachments must be submitted through the CFA portal, <https://apps.cio.ny.gov/apps/cfa/>, on an ongoing basis until funds are exhausted. NYSDOL takes no responsibility for any third-party error in the delivery of applications (i.e., public computer access, internet service provider, etc.).

### D. Application Submission Instructions and Format

All fields in the Application must be completed in the CFA portal, available online at <https://apps.cio.ny.gov/apps/cfa/>. The CFA portal institutionalized the role of the REDCs in identifying priorities for NYS resources. The CFA portal is a modern and easy-to-use application, providing resources to help Applicants, and includes the CFA application step-by-step guide with screenshots, CFA application questions and answers, recorded webinars, and available in-person CFA workshops (<https://regionalcouncils.ny.gov/> - CFA Application Guide).

Applications must be marked as “submitted” in the CFA portal in order to be reviewed. No faxed or hard copy applications will be accepted. If the Applicant does not have the technological capability to access, complete and submit the CFA, it may do so at its nearest Career Center (please find the nearest location on the NYSDOL’s website at: <http://labor.ny.gov/career-center-locator/>).

Once the application is submitted, there is no ability to resubmit or edit a threshold question. The Applicants will need to register with a new token and start a brand-new application, if a threshold question was answered incorrectly.

Applicants should apply for all CFA WDI program(s) of interest via one submission. In doing so, answers to the CFA portal’s basic questions, such as contact information and project location, will only be required to be entered once.

To ensure that questions specific to the program(s) to which the Applicant is applying are answered, the Applicant should log into the application in the CFA portal and click the word “Programs” located toward the left of the screen; just below the Application number. From this screen, the Applicant can add or remove programs and their associated questions.

All required documents must be completed and uploaded as attachments in the CFA portal. Please note that uploading blank, incomplete or unsigned attachments to the application may render the Applicant ineligible for funding consideration.

Required application [attachments](#) and the requested submission format are listed below:

- 1) Detailed Budget Attachment (DBA) – Excel format;
- 2) Key Contacts (KC) – Excel format;
- 3) Application for Competitively Bid Contracts (ACBC) – Signed and in PDF format;
- 4) Vendor Responsibility Applicant Questionnaire (VRAQ) – Signed and in PDF format;
- 5) NYS Executive Order 177 Certification (EO) – Signed and in PDF format;
- 6) MWBE and EEO Policy Statement (MWBE-1) – Signed and in PDF format; and
- 7) Equal Employment Opportunity (EEO) Staffing Plan (MWBE-2) – Signed and in PDF format.

Applicants must acknowledge that they have reviewed the following informational [attachments](#) prior to the submission of the application in Standard Question 9363. Failure to answer this question will prohibit the Applicant from proceeding with submission of the application.

- 1) Appendix – New Hire Training Request for Application
- 2) Appendix - Grants Gateway Prequalification Requirement
- 3) Appendix – Priority Industries by Region
- 4) Appendix – Determining Priority Populations
- 5) Appendix - Standard Clauses for all NYS Contracts
- 6) Appendix - Combined Terms and Conditions
- 7) Appendix - General Information for Successful Bidders/Applicants
- 8) Appendix - Master Contract



9) Appendix - WIOA References

10) Appendix - Minority and Women-Owned Business Enterprises (MWBE) and Equal Employment Opportunity (EEO) Requirements and Procedures

11) Appendix – EEO 101 – Workforce Utilization Report

## **E. Grants Gateway Registration and Prequalification Status**

As indicated in [Section II.E.](#) of this RFA, all interested parties must be registered in the Grants Gateway prior to application submission and all non-governmental NFP Applicants must be designated in one of the status categories listed below prior to application submission:

### **1. Document Vault Prequalified**

- a) Fully Prequalified

### **2. Document Vault Prequalified Open**

- a) If an organization proactively opens its document vault before the required documents expire, it will go to this status.
- b) The Organization will not lose prequalification status unless an expiration date passes.
- c) This allows NFPs to apply for funding opportunities without losing prequalification status.

### **3. Document Vault Prequalified/In review**

- a) This status is only available if an organization has proactively opened its vault prior to document expiration and has submitted it with updated documents.
- b) The organization is still considered prequalified during this status EVEN IF the expiration date passes.

### **4. Document Vault Prequalified/Open for Prequalification Specialist (PQS) Edits**

- c) NYSDOL is making edits and prequalification status is maintained.

Once it is determined that a non-governmental NFP Contractor is prequalified, the organization must maintain prequalification status during the contract period. The organization will be given an opportunity to submit documents and information to the Grants Gateway in order to maintain or regain prequalification status.

For more information about Grants Gateway and Prequalification, please visit the Grants Gateway website <https://grantsmanagement.ny.gov> or contact the Grants Management Team at: [grantsreform@its.ny.gov](mailto:grantsreform@its.ny.gov). The Grants Management help desk/hotline can be reached at (518) 474-5595.

NYSDOL will consider any application not meeting the Grants Gateway registration or non-governmental NFP Applicant pre-qualification requirements prior to submission of the applications to be non-responsive.

## **F. RFA Timetable**

- RFP Release Date – May 8, 2019



- Deadline Date for Questions – Ongoing
- Deadline Date for Responses to Questions – Ongoing
- Application Due Date – Ongoing
- Projected Notification of Awards – Ongoing as received

## V. Application Review and Selection

### A. Application Process

Under the CFA WDI, the application process will take place in two (2) phases. During Phase One, interested Applicants will submit a general project plan to the REDC in their region, which will be reviewed by the REDC Workforce Development Committee. The REDC Workforce Development Committee will make recommendations to the REDC’s Executive Committee, who will decide which applications advance to Phase Two. Additional information about the WDI process and the Phase One application is available at <https://www.ny.gov/workforcedevelopment>.

Note, during WDI Phase One, only the project plan questions will be available in the CFA portal. This does not include the Minimum Threshold Requirement, Program Design, Work Plan, and Budget questions specific to NYSDOL’s RFAs. These questions will be made available during Phase Two.

Applicants that advance to Phase Two will be notified by the Office of Workforce Development and granted access to the appropriate WDI program questions to complete and submit. These Phase Two questions address the specific requirements of all RFAs for which the applicant is eligible to apply, including NYSDOL’s EET, NHT and UWT programs.

For further information regarding Phases One and Two of the Workforce Development Initiative Process, refer to <https://www.ny.gov/workforce-development-initiative/workforce-development-initiative-process#project-identification>.

### B. Evaluation of Phase Two Applications

A complete application, including the DBA and all other required attachments must be submitted via the CFA portal so that NYSDOL can conduct a full and proper evaluation. Failure to answer all questions in the application will jeopardize the Applicant’s potential for funding. NYSDOL will 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 65% for Program Design, 15% for Work Plan, and 20% for Program Cost. Scoring of technical merit will award points based on a “criteria met” or “criteria not met” scale. NYSDOL reserves the right to make no awards.

Applications must first meet all Minimum Threshold Requirements, [Section V.C.1.](#) of this RFA. Upon receipt of all required application components and confirmation of Minimum Threshold Requirement attainment, NHT applications will be evaluated by NYSDOL staff. NYSDOL staff will score applications based on the Program Design, Work Plan, and Program Cost described in the Evaluation Criteria Section ([V.C.](#)) of this RFA.

Program outcomes based on past performance related to retention of employees after the completion of training, their attainment of credentials, and potential wage increases are considered in NYSDOL’s award determinations.

## C. Evaluation Criteria

The Evaluation Criteria has four parts: the Minimum Threshold Requirements; the Program Design; the Work Plan; and the Program Cost. The evaluation of the application will consist of a review of each part separately.

Applications deemed eligible will be scored based on further review and evaluation. Application scores will consist of 80% on Technical Merit (65% on Program Design and 15% on Work Plan) and 20% on Program Cost.

### 1. Minimum Threshold Requirements

Failure to attest to and document Minimum Threshold Requirements will result in an automatic rejection of the application and scoring will not proceed. No points will be awarded for Minimum Threshold Requirements. Applicants must attest to each of the following:

- 1) (Q\_9310) Applicant is a for-profit entity, including corporations, LLCs, LLPs, etc. or a private sector NFP entity;
- 2) (Q\_8746) Applicant is in good standing with regard to the laws, rules, and regulations for: UI, WARN, Public Work, Labor Standards, Safety and Health, NYS Department of State Division of Corporations, Workers Compensation Insurance, and Disability Insurance;
- 3) (Q\_9260) Applicant has two (2) or more employees, or the equivalent of two (2) full-time employees (these employees may work part-time as long as it is a permanent, year-round position whose work performance is integral to the service or product provided by the business and who is economically dependent on the business);
- 4) (Q\_9261) The application 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 listed in the application, if the application is successful;
- 5) (Q\_9262) Applicant agrees to submit reports to NYSDOL on an as needed basis for the purposes of meeting federal and NYS reporting requirements and understands such reporting may include identifiable information related to both the Applicant and the Trainee;
- 6) (Q9311) Applicant will ensure no currently employed worker shall be displaced by the newly hired employee, including a partial displacement such as a reduction in the hours, wages, or employment benefits;
- 7) (Q\_9312) Applicant is responsible for identifying eligible trainees as defined in the RFA;
- 8) (Q\_9265) Applicant will not charge or expect any trainee served under this proposed training program to pay any tuition charges or other fees;
- 9) (Q\_8749) Applicant understands that all Applicants must register in the Grants Gateway system (<https://grantsmanagement.ny.gov>) before application submission.

- 10) (Q\_8750) Applicant understands that all non-governmental NFP organizations must prequalify before application submission and must be in an acceptable pre-qualification status in the Grants Gateway system (<https://grantsmanagement.ny.gov>);
- 11) (Q\_9305) It is the intention of the Applicant that the employees to be trained will continue to work in NYS upon completion of the training;
- 12) (Q\_9306) None of the funds being requested under this application will be used in the relocation of employment from facilities in other locations which will result in an employee losing his or her job at the original location;
- 13) (Q\_9304) Training will take place on company time and trainees will be paid wages at no less than the normal rate of pay while they attend training;
- 14) (Q\_9263) Applicant will comply with NYS labor law and Federal law for the protection of workers; and
- 15) (Q\_9264) If awarded, job openings that occur during the contract period will be listed with the NYSDOL Job Bank. To place a job order, visit:  
<http://www.labor.ny.gov/businessservices/services/perm.shtm>.

## **2. Program Design – 65 Points**

Applicant must fully answer each part of the questions listed in the CFA portal and submit applicable attachments. Note that the CFA portal requires answers to Threshold questions; Location questions; and completion/upload of required attachments listed in [Section VIII](#) of this RFA prior to the completion of Standard questions, which NYSDOL refers to as Program Design.

### ***Business/Industry Demand (18 points)***

- 1) (Q\_2950) Enter your Federal Employer Identification Number (FEIN) (0 points);
- 2) (Q\_9388) Indicate the priority industry to which the Applicant business belongs. For information on priority industries, see the PIR attachment in [Section VIII](#) of this RFA. (2 points)
- 3) (Q\_9389) Describe what the Applicant business does, and how the business aligns with regional priorities. For information on regional priorities, see [Section III.C.3](#) of this RFA. (3 points)
- 4) (Q\_9390) Describe the compelling need for the proposed training, including (10 points):
  - i. Projected hiring for the industry in the Applicant’s local economy;
  - ii. The number of trainees to be filled under this funding;
  - iii. Job titles and a brief description of each job title; and
  - iv. How these newly hired trainees will have a positive impact on the Applicant’s business.
- 5) (Q\_9414) Describe the Applicant’s business need to hire new employees. (3 points)

### ***Target Geography (4 points)***

- 6) (Q\_9391) Indicate the county where the trainees’ official work station will be located. (4 points)

**Target Population (6 points)**

- 7) (Q\_9392) Describe the characteristics of the Applicant's ideal candidates, including education level, occupational knowledge, skills, and abilities. (2 points)
- 8) (Q\_9393) Describe the proposed strategy for identifying potential new hires, including working with workforce partners, placing job orders, or advertising for recruitment. (2 points)
- 9) (Q\_9394) Indicate one or more priority population(s), if any, to be served under the proposed training program. For more information regarding priority populations, refer to the DPP Attachment in [Section VIII](#) of this RFA.). (2 points)

**Occupational Skills Training /Career Development (23 points)**

- 10) (Q\_9395) Provide a summary of the training to be provided to the newly hired employees, including:
  - i. A detailed training outline of the skills to be learned during the training period for each job title, emphasizing the occupational skills to be learned (6 points);
  - ii. The total number of hours of training per week, and total number of weeks of training, for each job title (3 points);
  - iii. A list of who will provide the training and the experience that person has delivering the training (4 points); and
  - iv. A description of the plan to monitor trainee progress, details on making adjustments as needed, and how successful outcomes will be evaluated (4 points).
- 11) (Q\_9396) Describe how the occupational skills to be acquired by the trainees are recognized and transferable, either industry-wide or used across multiple industries. If the skills are used across multiple industries, list those industries. (2 points)
- 12) (Q\_9397) Describe the educational component of the proposed training program that will teach the trainees about career development within and across industries. For information on career development, see [Section III.D](#) of this RFA. (2 points)
- 13) (Q\_9398) Provide the name, description(s), and the authority or third-party issuer of the specific credential the trainees will receive at the conclusion of the training. For the definition of credential see [Section VII](#) of this RFA. (2 points)

**Leveraged Funding (2 points)**

- 14) In the CFA portal budget table, identify the use, source, status, and dollar amounts of leveraged funding (if any). No narrative is required for this question and NYSDOL will make the calculations for leveraged funds based on the CFA portal budget table provided by the Applicant. (2 points)

**Organizational Capacity/Experience (6 points)**

- 15) (Q\_9399) How many years has the Applicant offered similar occupational skills training (No experience; 1-2 years; 3 or more years)? (2 points)

16) (Q\_9400) Describe any past training programs the Applicant has provided (including any grant funds received), including the number of individuals trained, the specific occupational skills learned during training, and any nationally accredited credentials that were earned. (2 point)

17) (Q\_9401) For past training programs, how many trainees were retained for at least one year (Percentages of N/A; 0%-20%; 20.01%-50%; 50.01%-100%)? (2 points)

**Outcomes (6 points)**

18) (Q\_9406) Select the geographical area where the proposed program is offered.

- (Q\_9407) If the project is located in New York City: Select the average hourly wage the majority (51% or more) of trainees will receive upon completion of the occupational skills training: Minimum wage (\$15.00) to \$16.50; \$16.51 to \$18.00; \$18.01 to \$19.50; \$19.51 and up.
- (Q\_9408) If the project is located in Long Island or Westchester County: Select the average hourly wage the majority (51% or more) of trainees will receive upon completion of the occupational skills training. Minimum wage (\$12.00) to \$13.50; \$13.51 to \$15.00; \$15.01 to \$16.50; \$16.51 and up.
- (Q\_9409) If the project is located in the rest of New York State: Select the average hourly wage the majority (51% or more) of trainees will receive upon completion of the occupational skills training. Minimum wage (\$11.10) to \$12.60; \$12.61 to \$14.10; \$14.11 to \$15.60; \$15.61 and up. (3 points)

19) (Q\_9404) Does the Applicant's proposed training program result in a nationally accredited credential?

If yes:

(Q\_9405) Provide the name of the accreditation entity? (1 point)

20) (Q\_9402) What is the Applicant's annual revenue? (0 points)

21) (Q\_9403) What is the Applicant's annual revenue in relation to the total CFA WDI funding request? (40.01% or more of total organizational revenue; 10.01% to 40% of total organizational revenue; Less than or equal to 10% of total organizational revenue (2 points)

**3. Work Plan – 15 Points**

In the Work Plan Attachment ([WPA](#)), the Applicant 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 objectives, tasks, and performance measures, including the following:

- The objectives are realistic and align with activities as proposed in the Program Design;
- The tasks as described align with the associated objective and upon completion will attain the objective (Applicant should include critical tasks to be performed for attaining the relevant objectives and performance measures);

- The performance measures, as proposed, will measure the associated objective attainment; and
- The performance will evaluate project effectiveness. The performance measures must be SMART: specific, measurable, achievable, relevant, and time-oriented (who will do what, how it will be counted, how often, when to evaluate the tasks and objectives).

Performance measures include, but are not limited to, the number of trainees attaining licensing/credential; trainee participation and satisfaction; the increase in trainee wages; business productivity enhancement; and training evaluation outcomes.

#### **4. Program Cost – 20 Points**

An Applicant may receive up to 20 points for the program cost. All allowable costs requested from CFA and leveraged funds must be entered in the CFA portal budget table as described below. For a list of restricted use of funds, please see the Restrictions on Types of Training Section ([II.B.2.](#)) and the Restrictions on Use of Funds Section ([II.B.3.](#)) of this RFA.

##### ***CFA Portal Budget Table***

The CFA budget portal table has five columns:

- Use – Select “Proposed Program”;
- Source – Indicate whether the cost is requested from CFA funding or is leveraged funds;
- Status – Indicate whether the funding included in the Source column is Anticipated or Secured;
- Amount – Provide the amount, in dollars, for each item from the Use column; and
- Indicate Source/Comments – Provide applicable specifics such as the source of leveraged funds and their use.

The maximum training cost requested under this RFA is up to 75% of trainees’ wages for the duration of the training. Calculate the reimbursement amount by multiplying trainee wages, hours of training and applicable reimbursement rate. An Applicant may have additional costs of training that could be entered as leveraged resources. Additional points are given during scoring for leveraged funds as outlined in Evaluation Criteria ([Section V. B.](#)) of this RFA.

The rows in the CFA budget table allow the Applicant to enter the source of the cost by using drop-down options. More rows can be added to the table by clicking “Add Rows.”

A complete and correct CFA portal budget table will help Applicants obtain the most accurate cost score.

##### ***Detailed Budget Attachment***

Applicants must also complete and submit the [DBA](#) with their application. The DBA requires specific detail on the costs of the proposed On-the-Job occupational skills training. This detail will be incorporated into the contract of successful Applicants.

The application will be assigned points for Program Cost on an all or nothing basis (either 20 points or 0 points) depending on whether or not it fully provides the following information for each proposed new hire on the DBA: (1) the job title; (2) the number of planned trainees (new hires) for each proposed job

title; (3) the duration of training (in terms of number of hours) for each planned trainee; and (4) the estimated hourly wage rate of each planned trainee. If a complete DBA, including all required information, is not submitted, the Application will be found non-responsive and will not be funded. Applicants whose applications are found non-responsive have the option to correct and re-submit, if sufficient time and funding remain.

The calculated cost per trainee from the application cannot be exceeded in contracts developed from awards.

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

If it is determined unallowable costs were included in the DBA during the Program Cost review, those costs may be removed during the award process and/or contract development, and will not be included in the contract of the successful Applicant.

## **D. Method of Selection**

Applications must first **be approved by the REDC's Executive Committee during the Phase One review outlined in Application Process (Section V.A.), and then** meet all minimum eligibility requirements outlined in the Minimum Threshold Requirements Section ([V.C.1.](#)) of this RFA.

Applications that meet all minimum eligibility requirements will proceed to the review phase, where the application will be scored for Technical Merit (worth up to 80% of the total) by NYSDOL's Program Staff, and Program Cost (worth up to 20% of the total) by NYSDOL's Finance Bureau. Scores for each portion of the evaluation will be combined and result in an Application Final Score.

A complete response to each question is crucial to ensure full points are awarded.

Applications will be reviewed in the order they are received. Each application will be scored on its individual merit and will not be compared to other applications. Eligible applications that attain an Application Final Score of 70 points or more will be awarded funding. Successful applicants will be awarded on a continuous basis until the funds allocated to the NHT Program are exhausted. Eligible Applicants that fail to attain a total score of 70 points will be notified via letter and are eligible to revise their applications and reapply, if sufficient time and funding remain.

If an application achieves a score that would be awarded, but the costs are not reasonable to NYSDOL and/or the skills are not transferable, NYSDOL reserves the right to reject the application.

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 RFA.

Any unallowed costs will be costs not permitted under the requirements of this RFA.

It is important to note that:

- Ineligible Applicants will be disqualified before completing a review;
- Incomplete applications 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 requirements may be disqualified; and
- NYSDOL reviews will result in a final score.

## **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 NYSDOL's contract development staff. If awarded, the Applicant will also be notified of the maximum amount it has been awarded.

Applicants who receive an award must be prepared to enter into contract negotiations immediately and begin trainings no later than six (6) months from the date of the award letter. NYSDOL reserves the right to rescind the award of any Applicant that is unable or unwilling to promptly engage in the contracting process or to begin conducting its trainings in accordance with the terms of the contract.

Applicants that receive an award under this program, successfully serve at least 75% of the planned participants, and have expended at least 75% of the awarded funds may apply again, if funding and time remain.

Applicants not awarded are entitled to request a debriefing from NYSDOL, which may include the reason(s) for the non-award and general guidance on the part(s) of the evaluation criteria that were not met. Such debriefing shall be requested within 15 calendar days of the notice of non-award. NYSDOL will respond to the debriefing request within a reasonable amount of time.

### **B. Payment**

Once a contract has been developed and formally executed, funds will be released on a cost reimbursement basis. A Contractor 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. Successful Contractors must provide documentation that the service was provided. This will include attendance records for each training session to document attendance and/or certificates of completion showing the participant completed all required elements of the training. Attendance sheets must include the Name of the Trainee, Signature of the Trainee, Signature of the Trainer, and Date and Hours of Training.

Please be advised that trainings 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 start date for all contracts resulting from this solicitation may be no earlier than the date of the award letter issued by NYSDOL. Any training 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. Further, all activities funded by the contract must end on or before the end date of the contract and any activities that occur after the end date of the contract will not be eligible for reimbursement.

NFP organizations funded under the NHT Program are eligible for a cash advance of their award, up to 25% of total contract value, upon contract execution at the sole discretion of NYSDOL and subject to the availability of funds appropriated and available for contracts entered into pursuant to this solicitation. Any award must be expended on program activities in NYS.



**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’s sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary NYS 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](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 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. The successful Applicant’s application 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 application.

## **D. Buy American Requirements**

Applicants should be aware of the requirements of the Workforce Innovation and Opportunity Act (WIOA), Section 502 which provides that none of the funds made available under Title I or II of WIOA or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. sections 8301 through 8303). It is the sense of Congress that entities receiving assistance should, in expending the assistance, purchase only American-made equipment and products. See WIOA, Section 502 – Buy American Requirements included in the WIOA References (WIOA) attachment of this RFA.

## **E. Federal and NYS Executive Orders**

Please note that the Federal Workforce Innovation and Opportunity Act funds supporting this initiative are subject to the following federal Executive Orders:

- Executive Order 13513 – Sec. 4. Text Messaging While Driving by Government Contractors, Subcontractors, and Recipients and Sub-recipients. Contractors, subcontractors, and recipients and sub-recipients are encouraged to adopt and enforce policies that ban text messaging while driving a vehicle when performing official Government business or work on behalf of the Government, and to conduct initiatives of the type described in section 3(a) of the Executive Order.
- Executive Order 12928 – The recipients are strongly encouraged to provide contracting/subcontracting opportunities to Historically Black Colleges and Universities and other Minority Institutions such as Hispanic-Serving Institutions and Tribal Colleges and Universities; and to Small Business Owned and Controlled by Socially and Economically Disadvantaged Individuals.
- Executive Order 13043 – Recipients are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles.

- Executive Order 13166 – Recipients must take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access to programs in accordance with USDOL’s Policy Guidance on the Prohibition of National Origin Discrimination as it Affects Persons with LEP Volume 68, Number 103, Page 32289-32305. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary.
- NYS Executive Order 177 – see [Section VIII](#) for further information.

## **F. 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) Move funding allocated among the NYSDOL CFA WDI programs if one or more of the programs have a shortage (or surplus) of: Applicants, quality applications, and/or funding requests;
- 5) Remove applications with unreasonable costs from award consideration;
- 6) Request Applicants to present supplemental information clarifying their application, either in writing or in formal presentation. Applicants failing to respond to these requests during the time allotted may be eliminated from funding consideration;
- 7) Waive or modify minor irregularities in applications received after prior notification to the Applicant. This will in no way modify the RFA documents or excuse the Applicant from full compliance with the RFA terms and conditions;
- 8) Correct any arithmetic errors in any application;
- 9) Reject any and all applications received in response to this RFA;
- 10) Contact Applicants’ references as a check on qualifications;
- 11) Award contracts to more than one Applicant;
- 12) Negotiate with selected Applicant prior to contract award;
- 13) Rescind the award of any Applicant unable or unwilling to begin conducting its training activities immediately following contract execution. No Applicant will have any rights against NYSDOL arising from such negotiations;
- 14) Make any payment contingent upon the submission of specific deliverables; and
- 15) Require that all offers are held open for a period of 120 days unless otherwise expressly provided for in writing.

## VII. Definitions

- 1) Business Services Representatives:** Staff across NYS dedicated to assist businesses with their workforce needs including the NYS Job Bank and NYTalent, tax credits and other hiring incentives, apprenticeship programs, HR consultation, and layoff aversion. To contact a Business Services Representative, please find their contact information at <https://labor.ny.gov/formsdocs/factsheets/pdfs/p469.pdf>.
- 2) Career Center System Required Partners (AKA Career Center Partners):** New York's Career Center System is funded by WIOA, and is made up of 33 LWDBs that oversee their respective Local Workforce Development Areas (LWDAs) and 96 Career Centers. The System includes:

Core Program Partners:

- NYS Department of Labor-Responsible for delivering services under WIOA Titles I (Adult, Dislocated Workers, and Youth) and III (Wagner-Peyser);
- NYS Education Department-Responsible for delivering services under WIOA Titles II (Adult Education and Literacy) and IV (Vocational Rehabilitation); and
- NYS Office of Children and Family Services/Commission for the Blind - Responsible for delivering services under WIOA Title IV (Vocational Rehabilitation).

Other Career Center Partners:

- Temporary Assistance for Needy Families (TANF);
- Career & Technical Education;
- Title V Older Americans Act;
- Job Corps;
- Native American Programs;
- National Farmworkers Job Programs/Migrant and Seasonal Farmworker Programs;
- Jobs for Veterans State Grants (Chapter 4 of Title 38);
- YouthBuild;
- Trade Adjustment Assistance activities under the Trade Act of 1974, as amended;
- Community Service Block Grant Employment and Training activities;
- Housing and Urban Development Employment and Training activities;
- Unemployment Compensation; and
- Second Chance Act Reentry Employment Opportunity (REO) programs.

The Career Center System may also include strategic partners from education, economic development, and industry.

- 3) Counties of Need:** NYSDOL assigns each county of NYS into high, moderate, or low need based on indicators such as population, adult poverty rates, adult unemployment rates, adult literacy rates and the level of education attainment.

High Need	Medium Need	Low Need
Bronx	Allegany	Albany
Broome	Cayuga	Chemung
Cattaraugus	Chenango	Columbia
Chautauqua	Clinton	Cortland
Franklin	Delaware	Dutchess
Fulton	Erie	Essex
Greene	Jefferson	Genesee
Hamilton	Lewis	Livingston
Herkimer	Onondaga	Madison
Kings	Otsego	Nassau
Monroe	Rockland	Niagara
Montgomery	Schenectady	Ontario
New York	Schoharie	Orange
Oneida	Seneca	Putnam
Orleans	Steuben	Rensselaer
Oswego	Suffolk	Richmond
Queens	Tompkins	Saratoga
Schuyler	Ulster	Tioga
St. Lawrence	Washington	Warren
Sullivan	Westchester	Wayne
Yates		Wyoming

**4) Credential:** An attestation of qualification or competence issued to an individual by a third party (such as an educational institution or an industry or occupational certifying organization) with the relevant authority or assumed competence to issue such a credential. It does not refer to a certificate of completion for a course. Examples of credentials include:

- A secondary school diploma or its recognized equivalent; and
- Recognized postsecondary credentials which include Associate’s and Bachelor’s degrees; occupational licensures; occupational certificates, including Registered Apprenticeship and Career and Technical educational certificates; occupational certifications; and other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment.

Recognized postsecondary credentials must be awarded in recognition of an individual’s attainment of measurable technical or industry/occupational skills and not the attainment of work readiness or general skills only (i.e., safety, hygiene, and computer security).

**5) Customized Training (WIOA Sec. 3 (14)):** Training that is:

- Designed to meet the specific requirements of a business (including a group of businesses);
- Conducted with a commitment by the business to employ an individual upon successful completion of the training; and
- For which the business pays:
  - A significant portion of the cost of training, as determined by the local board involved, taking into account the size of the business and such other factors as the local board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to competitiveness of a participant, and other business-provided training and advancement opportunities; and
  - In the case of customized training involving a business located in multiple local areas in NYS, a significant portion of the cost of training, as determined by the Governor of NYS, taking into account the size of the business and such other factors as the Governor determines to be appropriate.

**6) Distance Learning:** A method of classroom instruction wherein the trainee receives lessons remotely such as over the internet, via email or by mail.

**7) Full-Time Employment:** 35 hours per week or more.

**8) Human Resources (HR) Training:** Trainings needed or required to be provided to employees to better understand the workplace to improve the work environment and are not specific to the job or occupation of the employees. The provision of these HR trainings is a normal cost of doing business and is the responsibility of the business. Examples include, but are not limited to, basic trainings about: sexual harassment, diversity, new employee orientation, accessing reasonable accommodation, cyber security, internal controls, internet security, workplace violence, human relations and sensitivity at the work place, fire safety and evacuations, and workplace hazards that do not typically provide specific occupational skills.

**9) Individual with a Barrier to Employment (WIOA Sec. 3 (24)):** A member of one or more of the following populations:

- Displaced homemakers;
- Low-income individuals;
- Indians, Alaska Native, and Native Hawaiians as such terms are defined in 29 USCS § 3221;
- Individuals with disabilities (including youth with disabilities and recovering addicts);
- Older individuals;
- Currently and formerly incarcerated individuals;
- Homeless individuals or homeless children and youth;
- Youth who are in or have aged out of the foster care system;
- Individuals who are English Language Learners, have low levels of literacy, and/or those facing substantial cultural barriers;
- Eligible migrant and seasonal farmworkers;

- Single parents (including single pregnant women);
- Long-term unemployed individuals;
- Individuals within two years of exhausting lifetime eligibility under Part A of Title IV of the Social Security Act; or
- Other groups as the Governor determines to have barriers to employment.

For purposes of the CFA, Veterans, Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) recipients are also considered individuals with a barrier to employment.

- 10) Leveraged Funding:** A financial commitment (cash or in-kind) used by the Applicant toward the costs of a project available from source(s) other than the granting organization or the CFA application process. Leveraging can be achieved by a commitment from the Applicant or through various partnerships.
- 11) Local Workforce Development Boards (LWDBs):** A board, established in each local area of NYS and certified by the Governor, made up of members from business; workforce; entities administering education and training activities; representatives of governmental, economic, and community development entities; and other individuals or representatives the chief elected official in the local area deems appropriate, tasked with creating a local plan, analyzing local labor market information and workforce development activities, engaging local business to develop linkages, developing career pathways, establishing best practices, and ensuring the appropriate use and management of funds in the local area.
- 12) Long-Term Unemployed:** Individuals, who at the time the appropriate training begins, have been unemployed for 20 weeks or more.
- 13) One-on-One Training:** A training provided in-house that consists of only one trainee and one trainer.
- 14) Occupational Skills Training:** Instruction conducted in an institutional or worksite setting designed to provide individuals with the skills required to perform a specific job or group of jobs needed by a business.
- 15) Priority Populations:** Individuals who meet the WIOA definition of Individual with a Barrier to Employment. Please refer to the Individual with a Barrier to Employment definition in [Section VII](#) and the [DPP Attachment](#).
- 16) Regional Economic Development Councils (REDCs):** Established by Governor Cuomo in 2011, the councils are tasked with developing long-term strategic plans for economic growth in each region and are public-private partnerships made up of local experts and stakeholders from business, academia, local government, and non-governmental organizations. For more information, please visit the website at <http://regionalcouncils.ny.gov/>.
- 17) Stand Alone Ineligible Training:** Training is considered “stand alone” when it is not part of a larger occupational skills training. This type of training is not allowable under the CFA. Examples of stand-alone training include:
- Microsoft Office;
  - Basic safety training;

- Sexual harassment training;
- State or Federally mandated training (OSHA); or
- HR training.

**18) Training Provider:** An entity that provides a training program with one or more courses or classes, or a structured regimen that leads to a credential, secondary school diploma or its equivalent, employment, or measurable skills gain toward such a credential or employment.

**19) Underemployed:** Underemployed individuals, as defined by WIOA, may include (1) individuals employed less than full-time who are seeking full-time employment; (2) individuals who are employed in a position that is inadequate with respect to their skills and training; (3) individuals who are employed who meet the definition of a low-income individual in WIOA sec. 3(36); and (4) individuals who are employed, but whose current job's earnings are not sufficient compared to their previous job's earnings from their previous employment, per State and/or local policy.

**20) Workforce Innovation and Opportunity Act (WIOA):** WIOA was signed into law in July 2014, taking effect in July 2015, and replaced the Workforce Investment Act (WIA). WIOA is intended to help job seekers and workers access employment, education, training, and support services to succeed in the labor market, and match businesses with the skilled workers they need to compete in the global economy. For more information, please visit the website at [https://www.doleta.gov/WIOA/eta\\_default.cfm](https://www.doleta.gov/WIOA/eta_default.cfm).

**21) WIOA Regional Workforce Plans:** Regional workforce plans are created by each LWDB, recognizing workforce as an integral part of economic development. Plans are intended to identify and leverage assets of the Career Center System, as well as support the REDC strategic planning and the role of NYS Workforce Investment Board (SWIB) in addressing workforce priorities. For more information, please visit the website at <https://www.labor.ny.gov/workforcenypartners/lwda/regional-plans.shtm>.

## VIII. Attachments and Appendices by CFA Portal Question Number

Applicants must acknowledge that they have reviewed the informational attachments and upload the required attachments in the CFA portal.

CFA Portal Question	Acronym	Document Title	Required for submission?
Q_9368	WPA	<a href="#">Work Plan Attachment</a>	Yes, PDF format
Q_9364	DBA	<a href="#">Detailed Budget Attachment</a>	Yes, Excel format
Q_9365	KC	<a href="#">Key Contacts</a>	Yes, Excel format
Q_9315	ACBC	<a href="#">Application for Competitively Bid Contract</a>	Yes, PDF with original signatures
Q_9299	VRAQ	<a href="#">Vendor Responsibility – Applicant Questionnaire</a>	Yes, PDF with original signatures
Q_9317	EO	<a href="#">Executive Order (EO) 177 Certifications</a>	Yes, PDF with original signatures
Q_9363	NHT RFA	<a href="#">New Hire Training Request for Application</a>	No
	GGPR	<a href="#">Appendix - Grants Gateway Prequalification Requirement</a>	No
	PIR	<a href="#">Appendix – Priority Industries by Region</a>	No
	DPP	<a href="#">Appendix – Determining Priority Populations</a>	No
	SCNYS	<a href="#">Appendix –Standard Clauses for all NYS Contracts</a>	No
	CTC	<a href="#">Appendix - Combined Terms and Conditions</a>	No
	GISBA	<a href="#">Appendix - General Information for Successful Bidders/Applicants</a>	No
	MC	<a href="#">Appendix - Master Contract</a>	No
	WIOA	<a href="#">Appendix - WIOA References</a>	No
	MWBE	<a href="#">Appendix - Minority and Women-Owned Business Enterprises (MWBE) and Equal Employment Opportunity (EEO) Requirements and Procedures</a>	No
Q_9366	MWBE-1	<a href="#">MWBE and EEO Policy Statement</a>	Yes, PDF with original signatures
Q_9367	MWBE-2	<a href="#">EEO 100 – EEO Staffing Plan</a>	Yes, PDF with original signatures
Q_9363	MWBE-3	<a href="#">Appendix - EEO 101 – Workforce Utilization Report</a>	No, required quarterly AFTER Contract Award

The three NYSDOL CFA WDI programs are: Existing Employee Training (EET); New Hire Training (NHT); and Unemployed/Underemployed Worker Training (UWT).

Note: This workforce product is partially funded by a grant awarded by the USDOL’s Employment and Training Administration (ETA). The product was created by NYSDOL and does not necessarily reflect the official position of the USDOL. Neither USDOL nor NYSDOL make any 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.