

# **REQUEST FOR APPLICATIONS**

## **Consolidated Funding Applications for Workforce Development Initiatives Round 2**

### **Existing Employee Training (CFA WDI - EET)**

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**July 28, 2021**

**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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## **I. Funding Opportunity Description**

### **A. Purpose**

The purpose of this Consolidated Funding Application (CFA) for Workforce Development Initiatives (WDI) Existing Employee Training (EET) Request for Applications (RFA) is to provide occupational skills training, commensurate with Regional Economic Development Council (REDC) priorities, to existing employees who are in low and middle-skills occupations leading to job advancement and retention.

### **B. Background**

Building on the eight-year success of the CFA for economic development, Governor Cuomo established this new CFA WDI in 2019 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 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 will also 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, the New York State Department of Labor (NYSDOL) is offering two parallel funding opportunity programs through the CFA portal; EET and Unemployed/Underemployed Worker Training (UWT). Applicants may apply for one or both 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 ten (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 ten (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 NYSDOL's CFA WDI programs, a total of \$25M in federal Workforce Innovation and Opportunity Act (WIOA) funding is being made available, on a first-come, first-serve basis, to provide occupational

skills training courses commensurate with REDC priorities. The EET Program will provide funding for training for existing employees of the Applicant who are currently employed in low or middle-skills occupations, as defined in the Program Services Section ([III.C.](#)) and [Section VII](#) of this RFA. 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.

EET awards may not exceed \$100,000 for Applicants with 2-50 employees; \$200,000 for Applicants with 51-100 employees; or \$300,000 for Applicants with 101 or more employees. Applications that request more than the maximum funding amount 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 must draft each of their CFA funding requests as stand-alone occupational skills training. The application must not be based in whole or in part on the assumption they will receive complementary funding from other CFA or CFA WDI programs or agencies. The amount of funding requested of NYSDOL must be calculated based on the number of existing employees to be trained. There is no minimum award amount per trainee under the EET Program.

It is expected the Applicant will conduct an assessment of training needs of the existing employees prior to submitting an application. 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 EET Program funds occupational skills training for existing employees of the Applicant who are currently employed in low or middle-skills occupations, as defined in the Program Services Section ([III.C.](#)) and [Section VII](#) of this RFA. There is no maximum cost per trainee under this RFA; Applicants may request as much funding as necessary per trainee within the applicable maximum award amount. Training funded through the EET Program is intended:

- For existing employees of private for-profit or not-for-profit (NFP) entities; and
- To provide occupational skills training(s) to employee(s) in low or middle-skills occupations (defined as Job Zones 1, 2 or 3 as described in Sections [III.C.](#) and VII of this RFA).

### **1. Allowable costs under the EET Program include the following:**

- The costs of outside vendors or in-house trainers to provide on-site or off-site classroom training. Training provided by in-house staff may not be billed at a per trainee rate. The EET Program will only reimburse the actual hourly wage rate (salary only, no fringe benefits) of the in-house trainer. Training by the in-house staff must be for a minimum of two trainees per course;

- Textbooks or training materials directly associated with the training;
- Distance learning fees (i.e., the fee for the training slot and software required to deliver the training program); and
- Credentialing exam fees.

Funds may be used to enlist the services of a training provider to deliver occupational skills training to existing, employed workers. Fees associated with the provision of training may not be charged to the trainees served under this EET funding opportunity. Trainees cannot contribute to the cost of the training(s).

For those Applicants also applying for CFA WDI UWT funding in addition to EET funds, please note funds cannot be combined for use on the same trainees. Each group of trainees must remain separate and distinct and be trained solely under one NYSDOL CFA program.

Training may take place outside of NYS; however, trainees must work in NYS upon completion of the training. Travel and salary costs for any trainings taking place outside of NYS must be paid by the Applicant using non-CFA funds. The Applicant must also provide adequate justification for any training that takes place outside of NYS. Training must take place during regular business hours and trainees must be paid wages at no less than their normal rate of pay while attending training. Applications wherein the employees attend training on their own time, whether voluntarily or involuntarily, will be rejected. Training can also be a distance learning course.

For occupational skills training provided by outside vendors or sub-contractors, no minimum number of trainees is required and the cost will be reimbursed based either on a per trainee or the overall trainer cost. However, one-on-one training cannot be paid for through this RFA. For example, a single trainee cannot be trained by an in-house trainer as the sole trainee, but the RFA can pay for the tuition costs of a single trainee attending a class with other individuals who are not subject to this RFA.

Applicants not utilizing their own in-house trainers are encouraged to enter into contracts with institutions of higher education, such as community colleges, or other eligible training providers to facilitate the training of multiple individuals in high-demand occupations. NYSDOL encourages Applicants to utilize training providers on the Eligible Training Providers List (ETPL), available at <https://applications.labor.ny.gov/ETPL/>, but this is not a requirement. In addition, NYSDOL will assist any Applicant seeking to register a proposed training program on the ETPL. For assistance, please email [ETP@labor.ny.gov](mailto:ETP@labor.ny.gov).

All proposed expenditures must be reasonable, necessary and clearly related to the purposes and activities of the project as described in the Program Design ([Section V.B.](#)). During the contracting process, NYSDOL reserves the right to ask for justification of proposed expenditures and cost per trainee.

## **2. Restrictions on Types of Trainings**

EET 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 occupational skills training(s) for this RFA and are not allowed:

- Trainings which begin or occur prior to the contract start date. For additional details regarding the start date of trainings, please see Section VI.B (Payment);

- One-on-one training;
- 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);
- Stand-alone training required as part of a federal, NYS or local government mandate (i.e., Occupational Safety and Health Administration (OSHA) will not be allowed as a stand-alone training but may be allowed if it is a required component of the occupational skills training);
- Training provided to independent contractors or contracted employees;
- Stand-alone Microsoft Office applications (i.e., Word, Excel, PowerPoint, etc.) and other basic office software applications (i.e., 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 or computer applications deemed an essential component of the occupational skills training program;
- English as a Second Language (ESL) training; 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

EET funding will only pay for the costs listed in the Use of Funds Section ([II.B.](#)). It will not pay for any of the following items:

- Training of undocumented workers;
- Hardware (i.e., laptops/tablets) 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);
- 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;
- Other employee coverage while trainee attends training;
- Support services such as child care, transportation, lodging, and meals for the trainees (any supportive services provided must be funded through the local Career Center);

- Transportation beyond 550 miles, lodging, and meal costs for relocated in-house or subcontracted trainers for the provision of the proposed training program;
- Advertising;
- Entertainment;
- Interest costs incurred by provider agencies;
- Costs of organized fundraising;
- 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;
- Purchase of videos; and
- Any other costs deemed inappropriate by NYSDOL and that do not meet the intent of the RFA.

### **C. Leveraged Funding Requirement**

Applicants funded under the EET RFA are required to pay for a portion of the costs of their training program using leveraged funds. The level at which Applicants are required to contribute is based on the Applicant's size, in terms of the number of employees, at the time of application submission. The amount the Applicant is required to contribute is at least:

- 10% for Applicants with 50 or less employees;
- 25% for Applicants with 51-100 employees; or
- 50% for Applicants with 101 or more employees.

It is important to note that the percentage that Applicants are required to contribute is based on the total project cost, not the requested amount from the EET RFA.

Wages paid to trainees while participating in training may be used toward satisfying the leveraged funding requirement.

Leveraged funding, based on the number of Applicant employees, must be indicated in the CFA portal budget table described in [Section V.B.4](#) of this RFA and the Detailed Budget Attachment (DBA).

Applications that do not include the required amount of leveraged funding in their budget documents will be considered non-responsive and will not be awarded.

### **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 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 the 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 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. The length of the extension is dependent on the original contract duration; however, under no circumstances may the length of the contract plus the extension exceed a total of fifteen (15) months. All activities funded by the contract must end on or before the end date of the contract and any activities that occur after the contract end date are not eligible for reimbursement under the contract.

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 at intervals specified by NYSDOL. Additional details on reimbursement and payment are outlined in the Payment Section ([VI.B.](#)) of this RFA.

Please note that NYSDOL must adhere to NYS Prompt Contracting Law timeframes for executing contracts awarded to NFP 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) or NYSDOL may conduct an independent evaluation of the outcomes and benefits of EET funding. By accepting an EET 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' 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/register-your-organization> and follow the instructions to complete the registration. **The registration form, organization chart, and substitute W-9 must be signed, notarized and emailed to Gateway Administrators at [GrantsReform@its.ny.gov](mailto:GrantsReform@its.ny.gov). Plan accordingly to avoid potential delays in applying for upcoming grant opportunities.**

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/register-your-organization> (registration) or <https://grantsmanagement.ny.gov/get-prequalified> (prequalification).

For additional technical assistance with the Grants Gateway website, please note:

- Hours of Operation: Monday through Friday, 8:00 A.M. to 4:00 P.M. NYS Time;
- Phone Number: 1-518-474-5595;
- Email: [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov); and
- Grants Management Website: <https://grantsmanagement.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 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 the Minimum Threshold Requirements Section ([V.B.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. These terms and conditions are included with no sections to be filled in. The process of downloading and uploading the CTC document confirms for NYSDOL that the Applicant has received, reviewed, and accepts the content of the document.

The Applicant shall be responsible for any costs incurred by the Applicant in the application preparation, or in activities related to the review of this application.

## **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.

a) Contract Goals

For purposes of this solicitation, NYSDOL hereby establishes an overall goal of **30%** for MWBE participation, **15%** for NYS certified minority-owned business enterprises (“MBE”) participation and **15%** for NYS certified women-owned business enterprises (“WBE”) participation (based on the current availability of MBEs and WBEs). A Contractor awarded funds from this RFA must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the contract. To that end, by submitting a response to this RFA, the Applicant agrees that NYSDOL may withhold payment pursuant to any contract awarded as a result of this RFA pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how NYSDOL will evaluate a Contractor’s “good faith efforts,” refer to 5 NYCRR §142.8.

The Applicant understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25% of the total value of the contract.

In accordance with 5 NYCRR §142.13, the Contractor further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a contract resulting from this RFA, such finding constitutes a breach of contract and NYSDOL may withhold payment as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the contract.

By submitting a bid or proposal, the Applicant agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the NYS Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that the Applicant may arrange to provide such evidence via a non-electronic method by contacting:

NYSDOL  
Purchase and Contracts, MWBE Administrator  
State Campus  
Building 12, Room 454  
Albany, NY 12240  
518-474-2678

b) MWBE Utilization Plan (MWBE 100, [MWBE-4](#))

An Applicant will be required to submit the MWBE Utilization Plan with its application as evidence of compliance with the foregoing. Any modifications or changes to an accepted MWBE Utilization Plan after the contract award and during the term of the contract must be reported on a revised MWBE Utilization Plan and submitted to NYSDOL for review and approval.

NYSDOL will review the submitted MWBE Utilization Plan and advise the Applicant of acceptance or issue a notice of deficiency within 30 days of receipt.

If a notice of deficiency is issued, the Applicant will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to NYSDOL, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by NYSDOL to be inadequate, NYSDOL shall notify the Applicant and direct the Applicant to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the application.

NYSDOL may disqualify an Application as being non-responsive under the following circumstances:

- If an Applicant fails to submit a MWBE Utilization Plan (MWBE 100, [MWBE-4](#));
- If an Applicant fails to submit a written remedy to a notice of deficiency;
- If an Applicant fails to submit a MWBE 101, Request for Waiver (MWBE 101, [MWBE-5](#)); and/or
- If NYSDOL determines that the Applicant has failed to document good faith efforts.

The Contractor is required to make good faith attempts to utilize any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the contract. Requests for a partial or total waiver of established goal requirements subsequent to contract award may be made at any time during the term of the contract to NYSDOL, but must be made prior to the submission of a request for final payment on the contract.

The Contractor will be required to submit a MWBE Quarterly Compliance Report (MWBE 105, [MWBE-6](#)) to NYSDOL, by the 10<sup>th</sup> day following each end of quarter over the term of the contract documenting the progress made toward achievement of the MWBE goals of the contract.

## 2. Equal Employment Opportunity Staffing Plan

An Applicant will be required to submit 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, 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 NYSDOL with its application.

If awarded a contract, Applicants 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 and/or a breach of the contract, leading to the withholding of funds, suspension or termination of the contract or such other actions or enforcement proceedings as allowed by the contract.

### 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.

#### a) Contract Goals

NYSDOL hereby establishes an overall goal of **6%** for SDVOB participation, based on the current availability of qualified SDVOBs. For purposes of providing meaningful participation by SDVOBs, the Applicant/Contractor should reference the directory of NYS Certified SDVOBs found at: <https://online.ogs.ny.gov/SDVOB/search>. Questions regarding compliance with SDVOB participation goals should be directed to NYSDOL, SDVOB Administrator, Purchase and Contracts, State Campus, Building 12, Room 454, Albany, NY 12240; Email: [Labor.sm.SDVOBAdmin@labor.ny.gov](mailto:Labor.sm.SDVOBAdmin@labor.ny.gov); Phone: 518-474-2678. Additionally, following contract execution, Contractor is encouraged to contact the Office of General Services’ Division of Service-Disabled Veterans’ Business Development at 518-474-2015 or [VeteransDevelopment@ogs.ny.gov](mailto:VeteransDevelopment@ogs.ny.gov) to discuss additional methods of maximizing participation by SDVOBs on the contract.

Contractor must document “good faith efforts” to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of the contract (see [Section II.H.3.d.](#) below).

#### b) SDVOB Utilization Plan (SDVOB 100, [SDVOB-1](#))

In accordance with 9 NYCRR § 252.2(i), Applicants are required to submit a completed SDVOB Utilization Plan with their applications.

The Utilization Plan shall list the SDVOBs that the Applicant intends to use to perform the contract, a description of the work the Applicant intends the SDVOB to perform to meet the goals on the contract, the estimated dollar amounts to be paid to an SDVOB, or, if not known, an estimate of the percentage of contract work the SDVOB will perform. By signing the Utilization Plan, the Applicant acknowledges that making false representations or providing information that shows a lack of good faith as part of, or in conjunction with, the submission of a Utilization Plan is prohibited by law and may result in penalties including, but not limited to, termination of a contract for cause, loss of eligibility to submit future applications, and/or withholding of payments. Any modifications or changes to the agreed participation by SDVOBs after the contract award and during the term of the contract must be reported on a revised SDVOB Utilization Plan and submitted to NYSDOL.

NYSDOL will review the submitted SDVOB Utilization Plan and advise the Applicant of NYSDOL's acceptance or issue a notice of deficiency within 20 days of receipt.

If a notice of deficiency is issued, the Contractor agrees that it shall respond to the notice of deficiency, within seven business days of receipt, by submitting to NYSDOL a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by NYSDOL to be inadequate, NYSDOL shall notify the Contractor and direct the Contractor to submit, within five business days of notification by NYSDOL, a request for a partial or total waiver of SDVOB participation goals (SDVOB 200, [SDVOB-3](#)). Failure to file the waiver form in a timely manner may be grounds for disqualification of the application.

NYSDOL may disqualify an Applicant's application as being non-responsive under the following circumstances:

- If an Applicant fails to submit a SDVOB Utilization Plan (SDVOB 100, SDVOB-1);
- If an Applicant fails to submit a written remedy to a notice of deficiency;
- If an Applicant fails to submit a request for waiver (SDVOB 200, SDVOB-3); and/or
- If NYSDOL determines that the Applicant failed to document good faith efforts.

If awarded a contract, the Contractor certifies that it will follow the submitted SDVOB Utilization Plan for the performance of SDVOBs on the contract pursuant to the prescribed SDVOB contract goals set forth above.

Contractor further agrees that a failure to use SDVOBs as agreed in the Utilization Plan shall constitute a material breach of the terms of the contract. Upon the occurrence of such a material breach, NYSDOL shall be entitled to any remedy provided herein, including but not limited to, a finding of Contractor non-responsibility.

c) Request for Waiver (SDVOB 200, [SDVOB-3](#))

Prior to submission of a request for a partial or total waiver, Applicants may speak to the SDVOB Administrator at NYSDOL for guidance.

In accordance with 9 NYCRR § 252.2(m), an Applicant that is able to document good faith efforts to meet the goal requirements, as set forth in section II(H)(3)(d) below, may submit a request for a partial or total waiver on Form SDVOB 200 (SDVOB-3), accompanied by supporting documentation. An Applicant may submit the request for waiver at the same time it submits its SDVOB Utilization Plan ([SDVOB-1](#)). If a request for waiver is submitted with the SDVOB Utilization Plan ([SDVOB-1](#)) and is not accepted by

NYSDOL at that time, the provisions of sections II(H)(3)(C-E) of this RFA will apply. If the documentation included with the Applicant's waiver request is complete, NYSDOL shall evaluate the request and issue a written notice of acceptance or denial within 20 days of receipt.

The Contractor is required to make good faith attempts to utilize the SDVOBs identified within its SDVOB Utilization Plan ([SDVOB-1](#)) during the performance of the contract. Requests for a partial or total waiver of established goal requirements subsequent to contract award may be made at any time during the term of the contract to NYSDOL, but must be made prior to the submission of a request for final payment on the contract.

If NYSDOL, upon review of the SDVOB Utilization Plan and Monthly SDVOB Compliance Report (SDVOB 101, [SDVOB-2](#)) determines that the Contractor is failing or refusing to comply with the contract goals and no waiver has been issued in regard to such non-compliance, NYSDOL may issue a notice of deficiency to the Contractor. The Contractor must respond to the notice of deficiency within seven business days of receipt. Such response may include a request for partial or total waiver of SDVOB contract goals.

Waiver requests should be sent to NYSDOL, Purchase and Contracts, SDVOB Administrator, State Campus, Building 12, Room 454, Albany, NY 12240. Email: [labor.sm.SDVOBAdmin@labor.ny.gov](mailto:labor.sm.SDVOBAdmin@labor.ny.gov).

d) Required Good Faith Efforts

In accordance with 9 NYCRR § 252.2(n), Contractors must document their good faith efforts toward utilizing SDVOBs on the contract. Evidence of required good faith efforts shall include, but not be limited to, the following:

- Copies of solicitations to SDVOBs and any responses thereto.
- Explanation of the specific reasons each SDVOB that responded to Contractors' solicitation was not selected.
- Dates of any pre-application, pre-award or other meetings attended by Contractor, if any, scheduled by NYSDOL with certified SDVOBs whom NYSDOL determined were capable of fulfilling the SDVOB goals set in the contract.
- Information describing the specific steps undertaken to reasonably structure the contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified SDVOBs.
- Other information deemed relevant to the waiver request.

e) Monthly SDVOB Contractor Compliance Report (SDVOB 101, [SDVOB-2](#))

In accordance with 9 NYCRR § 252.2(q), the Contractor is required to report Monthly SDVOB Contractor Compliance Report to NYSDOL during the term of the contract for the preceding month's activity, documenting progress made towards achieving the contract SDVOB goals. This information must be submitted using form SDVOB 101 ([SDVOB-2](#)) available on NYSDOL's website and should be completed by the Contractor and submitted to NYSDOL, by the 10<sup>th</sup> day of each month during the term of the contract, for the preceding month's activity to: NYSDOL, SDVOB Administrator, Purchase and Contracts, State Campus, Building 12, Room 454, Albany, NY 12240. Email: [Labor.sm.SDVOBAdmin@labor.ny.gov](mailto:Labor.sm.SDVOBAdmin@labor.ny.gov); Phone: 518-474-2678.

f) Breach of Contract and Damages

In accordance with 9 NYCRR § 252.2(s), any Contractor found to have willfully and intentionally failed to comply with the SDVOB participation goals set forth in the contract, shall be found to have breached the contract and Contractor shall pay damages as set forth therein.

### **III. Eligibility Information**

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

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

- Need occupational skills training course(s), which can be completed in one year or less, in order for the employees in low and middle-skills occupations to attain or retain positions in middle-skills occupations. For this RFA, the skill level of occupations will be determined based on Job Zones of occupations as listed in the Occupational Information Network (O\*NET). For details on the skill level of occupations, see the Program Services Section (III.C.) of this RFA;
- Have two (2) or more employees or the equivalent of two (2) full-time employees. Principals of corporations and owners of businesses such as sole proprietors or partners in partnerships, 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.

EET 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 EET 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 that is requested or received from other sources of funding.

Consultants, trade organizations, and other third-party entities are not eligible to apply for EET Program funds on behalf of other organizations. Trade organizations, such as labor unions and manufacturing associations, can apply for EET funding if they are training their own employees.

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.B.](#)) of this RFA.

An Applicant and its components are only eligible for one award at a time under this RFA (see [Section VI.A.](#) for more information on when Applicants that have already received funding are eligible for an additional award), 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 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**

Existing employees of the Applicant are eligible trainees under this RFA, if they are working:

- In NYS;
- In low-skills or middle-skills occupations, defined as occupations with Job Zones 1, 2, or 3. Individuals in high-skills occupations (i.e., Job Zones 4 and 5) are not eligible for training under this RFA. For additional information on the classification of occupations as low-skills and middle-skills with Job Zones, see the Program Services Section ([III.C.](#)) of this RFA;
- Full-time or part-time and have a permanent, year-round attachment to the business. Temporary employees, seasonal employees, public (federal, State, county, municipal, public authority and public benefit corporation) employees and volunteers are not eligible for training under the RFA; and
- Are employed by the Applicant for at least six (6) months prior to the start of the training or are in a cohort of trainees in which the majority (at least 51%) of the cohort has been employed by the Applicant for at least six (6) months prior to the start of the training.

The position(s) targeted for training must exist and be identified at the time the application is submitted. Trainees do not need to be NYS residents.

Trainee eligibility is based on the typical education level of an individual in low and middle-skills occupations and not the current education attainment of the trainee.

Trainees cannot be mandated to remain with the business for a set time period upon completion of the training. If a trainee leaves the business during or upon completion of the occupational skills training, the trainee cannot be mandated to reimburse the business for the cost of the training. For additional details regarding this scenario, please refer to the Payment Section ([VI.B.](#)) of this RFA.

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. O\*NET Codes, Job Zones, and Skill Level of Occupations**

The Occupational Information Network (O\*NET), found online at <http://www.onetonline.org/>, is an interactive application for exploring and searching occupations and their distinguishing key features.



O\*NET provides a universal classification of more than 900 occupations with key features required by workers, such as: tasks performed, knowledge, abilities, skills, typical education, and work experience. O\*NET also provides information on wages and employment prospects of each occupation. O\*NET is developed under the sponsorship of the USDOL's Employment and Training Administration (ETA). For further information regarding O\*NET, please refer to [Section VII](#) of this RFA.

Applicants must utilize O\*NET to identify middle-skills positions as targeted by this funding opportunity. Five Job Zones from O\*NET help identify low, middle or high-skills occupations based on the levels of education and training connected to occupations. This information is summarized in Table 1. Detailed information about the Job Zones may be found at [https://www.onetonline.org/help/online/zones/?\\_sm\\_au=iVV8kWZnSq4MRMWj](https://www.onetonline.org/help/online/zones/?_sm_au=iVV8kWZnSq4MRMWj).

**Table 1:** Skill level of occupation based on Job Zones in O\*Net and eligible trainees under this RFA

<b>Skill Level of Occupation</b>	<b>Job Zone Based on O*NET</b>	<b>Preparation Needed to Work in the Occupation</b>	<b>Eligible Trainee under this RFA</b>
Low-skills	1 and 2	Some, little or no preparation needed (typically requires high school education or less)	Yes
Middle-skills	3	Medium preparation required (typically requires more than high school education, training in vocational schools, related on-the-job experience, or an associate's degree but less than a bachelor's degree)	Yes
High-skills	4 and 5	Considerable to extensive preparation needed (typically requires a bachelor's degree or more than a bachelor's degree)	No

In the Master Training List ([MTL](#)), the Applicant must provide the O\*NET codes of occupational titles that best match the tasks performed by trainees and the corresponding Job Zone code. Job Zone codes must be 1, 2, or 3.

Trainees in high-skills occupations are not eligible for training under this RFA and should not be referenced in an Applicant's application. Applications that include high-skills occupations will be considered non-responsive and will not be reviewed.

The MTL should include only the list of trainees the Applicant wants to fund with EET funding and not a list of all employees. Applicants are asked to submit the MTL in Excel (.xls or .xlsx) format and not in a Portable Document Format (.pdf).

The O\*NET code of the employee should be based on the job duties the trainee performs. The organizational title of the employee does not need to be the same as the O\*NET title.

## **2. Career Development and Credentials**

Occupational skills training should 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 technical or industry/occupational skills and not the attainment of work readiness or general skills only (i.e., safety, hygiene, and basic data 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 2017 may be found at <https://dol.ny.gov/workforce-development-plans>. A spreadsheet of priority industries by region from the 2017 Regional Plans is attached to this RFA ([PIR Attachment](#)).

## **4. Target Geography**

EET 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.

Contractors will be required to document trainee information specifically on Trainee Information Forms (TIFs). The personal information collected on the TIF is required for reporting purposes for federally-funded grants, as well as by the State, and will be data entered into OSOS to report obtained employment. Personally Identifiable Information (PII) is securely stored on the Grants Gateway system and NYS servers, where only authorized individuals can access the necessary information and where data is protected by high-level security settings administered by the NYS Office of Information Technology Systems (ITS).

NYSDOL may also 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 EET Question." Answers to all questions will be posted on the NYSDOL [Funding Opportunities](#) website on an ongoing basis.

The NYSDOL CFA WDI Team cannot see applications in the CFA portal until Applicants have successfully completed 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 proposed training program. BSRs contact information may be found at the following link: <https://dol.ny.gov/system/files/documents/2021/02/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. Any applications or unsolicited amendments to applications received after the due date and time will not be considered in the review process. 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, and recorded webinars.

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 NYSDOL’s [website](#)).

Once the application is submitted, there is no ability to resubmit or edit a threshold question. The Applicant 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) Master Training List (MTL) – Excel format;
- 2) Detailed Budget Attachment (DBA) – Excel format;
- 3) Cost Comparison Worksheet (CCW) – Word format;
- 4) Key Contacts (KC) – Excel format;
- 5) Application for Competitively Bid Contract (ACBC) – Signed and in PDF format;
- 6) Vendor Responsibility – Applicant Questionnaire (VRAQ) – Signed and in PDF format;
- 7) NYS Executive Order 177 Certification (EO) – Signed and in PDF format;
- 8) MWBE and EEO Policy Statement (MWBE-1) – Signed and in Word format;
- 9) EEO Staffing Plan (MWBE-2) - Signed and in Word format;
- 10) MWBE Utilization Plan (MWBE-4) and/or Application for Waiver of MWBE Participation Goal (MWBE-5) – Signed and in Word format; and
- 11) SDVOB Utilization Plan (SDVOB-1) and/or Application for Waiver of SDVOB Participation Goal (SDVOB-3) – Signed and in Word format.

Applicants must acknowledge that they have reviewed the following informational attachments prior to the submission of the application in Standard Question 12417. Failure to answer this question will prohibit the Applicant from proceeding with submission of the application.

- 1) Appendix – Existing Employee Training Request for Application (EET RFA);
- 2) Appendix – Grants Gateway Prequalification Requirement (GGPR);
- 3) Appendix – O\*NET and Job Zone Information (OJZ);
- 4) Appendix – Priority Industries by Region (PIR);
- 5) Appendix – WIOA Partner Contact Information (WIOAPC);
- 6) Appendix – Standard Clauses for all NYS Contracts (SCNYS);
- 7) Appendix – Combined Terms and Conditions (CTC);
- 8) Appendix – General Information for Successful Bidders/Applicants (GISB);
- 9) Appendix – Master Contract (MC);
- 10) Appendix – WIOA References (WIOA);
- 11) Appendix – MWBE and EEO Requirements and Procedures;
- 12) Appendix – EEO 101 – Workforce Utilization Report (MWBE-3);
- 13) Appendix – MWBE 105 – MWBE Quarterly Compliance Report (MWBE-6);
- 14) Appendix – SDVOB Requirements and Procedures; and
- 15) Appendix – SDVOB 101 – SDVOB Monthly Compliance Report (SDVOB-2).

## **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

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

If awarded, a prequalified NFP Contractor 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 <http://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 prequalification requirements prior to application submission to be non-responsive.

#### F. RFA Timetable

- RFA Release Date – July 28, 2021
- 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. Evaluation of 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 and the REDCs will make an initial eligibility determination on each application received. Applications that do not meet NYSDOL minimum eligibility requirements will be disqualified. Likewise, applications that do not align with the applicable REDC's regional priorities may be disqualified at the discretion of the REDC. 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.B.1](#) of this RFA. Upon receipt of all required documents and confirmation of Minimum Threshold Requirement attainment, EET 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.B.](#)) 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 determination.

## **B. 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 independently.

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\_9411) Applicant is a private sector for-profit entity, including corporations, LLCs and LLPs or a private sector not-for-profit (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) (Q\_9302) The application was developed by the Applicant after it conducted an assessment of its training needs of employees in low and middle-skills occupations;
- 7) (Q\_9303) The trainees targeted under this application are existing employees of the business, not independent contractors or contract employees;
- 8) (Q\_9304) Training will take place on company time and trainees will be paid wages at no less than their normal rate of pay while they attend training;
- 9) (Q\_9265) Applicant will not charge or expect any trainee served under this proposed training program to pay any tuition charges or other fees;
- 10) (Q\_8749) Applicant understands that all Applicants must register in the Grants Gateway system (<https://grantsmanagement.ny.gov>) before application submission;

- 11) (Q\_9412) 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>);
- 12) (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;
- 13) (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;
- 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:  
<https://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 (9 points)***

- 1) (Q\_2950) Enter Your Federal Employer Identification Number (FEIN). (0 points)
- 2) (Q\_9386) Indicate the priority industry the proposed training program will serve. For information regarding priority industries by region, please see [Section III.C.3](#) or the [PIR Attachment](#) of the RFA. (1 point)
- 3) (Q\_12376) Describe in detail the compelling need for the proposed training program within the current state of the local/regional industry and economy. (3 points)
- 4) (Q\_12380) Explain with specificity the need for existing employees to gain the occupational skills proposed by the training program. (2 points)
- 5) (Q\_12377) Describe how the proposed training program will:
  - i. Lead to advancement or retention of trainees in middle-skills occupations;
  - ii. Assist in skills upgrades and retention of the trainees; and
  - iii. Improve the productivity of trainees. (3 points)

### ***Target Geography (2 points)***

- 6) (Q\_12461) Indicate a single project county to which the majority of the proposed training program will serve. For information regarding target geography, refer to [Section III.C.4](#) of this RFA. (2 points)



**Target Population (11 points)**

- 7) (Q\_9417) Indicate the exact number of trainees who will be trained under this application. (1 point)
- 8) (Q\_12466) In the Master Training List, [MTL](#), provide the following for the individuals proposed to be trained under the proposed training program (8 points):
- i. Names of proposed trainees and their existing job titles;
  - ii. O\* NET code of the occupation that matches the tasks performed by the trainee. For more information regarding O\*NET codes, please refer to [Section III.C.](#);
  - iii. Job Zone code associated with the O\*NET code of the occupation of trainee; and
  - iv. The occupational skills training course(s) each trainee will attend, indicated by marking an "X" for the trainee within the column for the applicable course(s) they will attend.
- 9) (Q\_9274) Describe with specificity the characteristics of the trainees (i.e., knowledge, abilities, skills, or educational levels, etc.). (2 points)

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

- 10) (Q\_12381) Provide titles and full descriptions of every occupational skills training course in the proposed training program, including (12 points):
- i. A description of the occupational skills training curriculum, including:
    - a. The educational strategy for each occupational skills training course listed in the MTL (i.e., classroom training, distance learning, etc.);
    - b. The materials to be used for each course (i.e., textbooks, presentations, guest speakers, etc.); and
    - c. The duration for each course proposed (i.e., the number of weeks and total number of hours for each course). (6 points)
  - ii. A detailed list of occupational skills the trainees will acquire for each occupational skills training course; (2 points)
  - iii. A description of how the applicant will assess the attainment of the trainees' occupational skills during the training course (i.e., quizzes, tests, presentations, etc.) (2 points); and
  - iv. A description of how the educational strategy takes into account the relevant characteristics (i.e., knowledge, skills, abilities, etc.) of the trainees as described in the prior question (Q\_9274). (2 points)
- For the definition of occupational skills training course and the exclusion of unallowable stand-alone trainings, see the Program Services Section ([III.C.](#)) of this RFA.
- 11) (Q\_12382) Clearly identify the methods by which input was solicited from trainees in developing the occupational skills training program (i.e., they indicated they wanted the specific training, a survey was provided to employees, etc.). (2 points)
- 12) (Q\_12383) Provide in detail how the information gained from the occupational skills training will be disseminated to others in the organization (i.e., those who do not participate in the training but could still benefit from the information learned). (2 points)

- 13) (Q\_12384) Describe how the occupational skills, as detailed in Q\_12381(ii), 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)
- 14) (Q\_12385) Describe the educational component of the proposed training program that will educate the trainees about career development within or across the industries described in the prior question (Q\_12384), including the credential(s) or opportunities for advancement, if applicable. For details see Program Services ([Section III.C.2.](#)) of this RFA. (2 points)
- 15) (Q\_12386) Provide the name, description(s), and the national accreditation or third-party issuer of the specific credential the trainees will receive at the conclusion of the training. For the definition of credential see the Program Services Section ([III.C.](#)) and [Section VII](#) of this RFA. (3 points)

**Outcomes (13 points)**

- 16) (Q\_12379) Has the Applicant provided a similar occupational skills training program in the past?

If yes:

(Q\_12378) Provide the percentage of trainees from prior Applicant-sponsored occupational training course(s) that attained a credential. For a definition of credential see the Program Services Section ([III.C.2.](#)) and [Section VII](#) of this RFA. (Percentages of 0% to 25%; 25.01% to 75%; 75.01% to 100%). (4 points)

(Q\_12390) Provide the percentage of trainees from prior Applicant-sponsored occupational training course(s) that were retained in employment for at least a year. (Percentages of 0% to 25%; 25.01% to 75%; 75.01% to 100%). (4 points)

If no:

(Q\_12391) Provide the estimated percentage of trainees who will attain a credential from the occupational skills training course(s). (Percentages of 0% to 25%; 25.01% to 75%; 75.01% to 100%). (4 points)

(Q\_12392) Provide the estimated percentage of trainees who will be retained in employment for at least a year. (Percentages of 0% to 25%; 25.01% to 75%; 75.01% to 100%). (4 points)

- 17) (Q\_9287) Describe how the Applicant will evaluate that the skills learned by the trainees, due to the proposed program, will be implemented in their work. (2 points)
- 18) (Q\_12397) Select the geographical area where the proposed program is offered.
- (Q\_12394) If the project is located in New York City: Provide the average hourly wage the majority (51% or more) of trainees will receive upon completion of the occupational skills training course(s). Minimum wage (\$15.00) to \$16.50; \$16.51 to \$18.00; \$18.01 to \$19.50; \$19.51 and up.
  - (Q\_12395) If the project is located in Long Island or Westchester County: Provide the average hourly wage the majority (51% or more) of trainees will receive upon completion of the occupational skills training course(s). Minimum wage (\$14.00) to \$15.50; \$15.51 to \$17.00; \$17.01 to \$18.50; \$18.51 and up.

- (Q\_12396) If the project is located in the rest of New York State: Provide the average hourly wage the majority (51% or more) of trainees will receive upon completion of the occupational skills training course(s). Minimum wage (\$12.50) to \$13.60; \$13.61 to \$15.10; \$15.11 to \$16.60; \$16.61 and up. (3 points)

***Leveraged Funding (3 points)***

- 19) (Q\_12465) Indicate the required Leveraged Funding percentage as determined by the response to Q\_9418 and the sliding scale rates defined in [Section II.C](#). (3 points)

***Organizational Capacity/Experience (4 points)***

- 20) (Q\_9418) Identify the number of full-time equivalent (FTE) workers currently employed by the applicant business. (0 points)
- 21) (Q\_9291) How many years has the Applicant offered similar occupational skills training or service? (Less than 1 year; 1 to 2 years; 3 or more years). (2 points)
- 22) (Q\_9293) What is the Applicant's annual revenue? (0 points)
- 23) (Q\_9294) What is the Applicant's annual revenue in relation to the total CFA 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. The purpose of the Work Plan is to provide a road map and measurable criteria to ensure successful and timely implementation of the proposed program. As part of the Work Plan, Applicants can include objectives, tasks, and performance measures, including the following:

- The objectives are realistic and align with the 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 successful completion of the task and attainment of the relevant associated objective; 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, and when the tasks and objectives will be evaluated).

Performance measures may include, but are not limited to, the measurement of how the training has influenced the competencies showing implementation of skills learned during the training; increase in wages; feedback from trainees about the training; improvement in trainees' performance evaluations; impact of training on the Applicant's business productivity; and the number of trainees attaining licensing/credential.

#### 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.

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 portal 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.” Applicants may also use the “Scoring Tips” link provided in the portal for assistance in completing the CFA portal budget table.

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 for both the costs of occupational skills training course(s) (Training Costs) and the allowed non-Personnel Costs of books or training materials directly associated with the training; software required to deliver the training (distance learning fees); or credentialing exam fees. This detail will be incorporated into the contract of successful Applicants.

##### ***Cost Comparison Worksheet***

Applicants must also complete and submit the Cost Comparison Worksheet ([CCW](#)) attachment with their application. The CCW requires that the Applicant provide cost comparison information on the proposed tuition rate from two (2) training providers other than the selected training provider, which shows that a training provider with a comparable tuition rate was selected. This information will document that the costs of the selected occupational skills training program are reasonable and will be the basis for awarding points for program cost.

The requirements of this section are applicable to all Applicants, regardless of whether the proposed training program is to be delivered in-house by the Applicant or by an outside training provider. If the Applicant does not provide the required cost comparison information, or if a competitive tuition rate

was not selected, a narrative justification must be provided in order to receive points for cost. This justification will be reviewed by NYSDOL and may result in program cost points being awarded.

Examples of acceptable reasons for not providing the required cost comparison information include, but are not limited to:

- If the Applicant developed its selected training program to respond to a lack of training capacity to serve the intended population in its area;
- If the proposed training is specialized or unique and there are no other training providers that deliver the proposed training;
- If there are mitigating factors for choosing a higher cost training program, such as additional benefit being provided to the trainee by the selected training program; or
- If in-house training capability is addressing the extensive needs for a timely, more frequent, and/or more comprehensive approach to meet the needs of the industry.

Note that this is not an exhaustive list of reasons that may be considered by NYSDOL during Program Cost review. The Applicant should describe any reason(s) for not providing the required cost comparison information in as much detail as possible to allow NYSDOL reviewers to conduct an accurate Program Cost review.

Comparisons should be from training programs for like or similar occupational skills job titles. Applicants are encouraged to use the Eligible Training Provider List (ETPL) as a resource for obtaining comparison costs to their selected training program. A link to the ETPL can be found here: <https://applications.labor.ny.gov/ETPL/>.

Applications that demonstrate the reasonableness of their selected training provider's tuition rate will receive 20 points for cost. Applications that do not demonstrate their selected training program's tuition cost is reasonable will receive no points for cost. If the Applicant fails to demonstrate that costs are reasonable, and NYSDOL cannot independently document that the costs are reasonable, the Applicant may not be eligible for award, even if the Application's technical score achieves the minimum score for award.

If any information on the CCW is unclear to the reviewer, NYSDOL reserves the right to contact the Applicant for additional clarification.

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 or contract development and will not be included in the contract of the successful Applicant.

## **C. Method of Selection**

Applications must first meet all minimum eligibility requirements outlined in the Minimum Threshold Requirements Section ([V.B.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. Applicants are advised to use the “Scoring Tips” provided next to each question in the CFA portal.

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 NYSDOL’s CFA WDI programs 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 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 unallowable 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 will 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. Contractors must provide documentation that the service was provided. This will include attendance records for each training session to document attendance 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.

Expenditure reimbursement is based on individual participant attendance at occupational skills trainings. If the trainees attend up to and including 50% of the course, the reimbursement will be at the level of attendance achieved (i.e., individual trainee attends 30% of the course sessions, the reimbursement will be 30% of the training cost). For trainee attendance of 51% and above, the reimbursement will be for 100% of the training cost.

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 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 EET 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.

**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 NYS procedures and practices. The Contractor shall comply with the NYS Comptroller's procedures to authorize electronic payments. Authorization forms are available at the NYS Comptrollers website at [www.osc.state.ny.us/epay/index.htm](http://www.osc.state.ny.us/epay/index.htm), by email at [helpdesk@sfs.ny.gov](mailto:helpdesk@sfs.ny.gov), or by telephone at 855-233-8363. The Contractor acknowledges that it will not receive payment on any invoices submitted under this Contract if it does not comply with the NYS 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 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 application.

## **D. Buy American Requirements**

Applicants should be aware of the requirements of 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 WIOA funds supporting this initiative are subject to the following federal and NYS 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.
- Executive Order 14005 – Recipients agree to comply with all applicable Made in America Laws (as defined in the Executive Order), including the Buy American Act at 41 USC sections 8301-8305. The recipient is required to maximize the use of goods, products, and materials produced in, and services offered in the United States, in accordance with the Made in America Laws.
- 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) Remove applications with unreasonable costs from award consideration;
- 5) Request Applicants to present supplemental information clarifying their application, either in writing or in formal presentation. Applicants failing to respond to these requests during the time allotted may be eliminated from funding consideration;
- 6) 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;
- 7) Correct any arithmetic errors in any application;
- 8) Reject any and all applications received in response to this RFA;
- 9) Contact applicants' references as a check on qualifications;
- 10) Award contracts to more than one Applicant;
- 11) Negotiate with selected Applicant prior to contract award;
- 12) 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;
- 13) Make any payment contingent upon the submission of specific deliverables; and
- 14) 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://dol.ny.gov/system/files/documents/2021/02/p469.pdf>.

- 2) **Career Center System Required Partners (AKA Career Center's Partners):** NYS's Career Center System is funded by the 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/NYS 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 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 technical or industry/occupational skills and not the attainment of work readiness or general skills only (i.e., safety, hygiene, and basic data 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);
- That is conducted with a commitment by the business to employ an individual upon successful completion of the training; and
- For which the business pays:
  - a. 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
  - b. 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) **Employee Coverage:** Includes labor costs necessary to ensure the performance of the trainee's current job responsibilities during the time that the trainee is away at training and unavailable to perform the duties required of his/her current position.

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

9) **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.

10) **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;

- 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, 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 WDI, Veterans, Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) recipients are also considered individuals with a barrier to employment.

- 11) **Leveraged Funding:** For the purposes of the EET RFA, a percentage of “non-federal” financial commitment of either a portion of the training costs or the wages of the workers while they attend training based on the size of the Applicant’s business:
  - 10% for Applicants with 50 or less employees;
  - 25% for Applicants with 51-100 or employees; or
  - 50% for Applicants with 101 or more employees.
- 12) **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.
- 13) **Low-Skill Occupations:** Occupations typically requiring some, little or no preparation to work in the occupation and may require a high school diploma or GED certificate. Employees in these occupations need anywhere from a few days to a few months of training and usually, an experienced worker could show you how to do the job. Low-skill occupations generally fall under food/beverage serving, sales/related occupations, agricultural, construction/extraction, production, and transportation/material moving occupational categories.
- 14) **Long-Term Unemployed:** Individuals, who at the time the appropriate training begins, have been unemployed for 20 weeks or more.

- 15) **Middle-Skill Occupations:** Occupations typically requiring some education and training beyond high school but less than a bachelor's degree. The postsecondary education or training may include an associate's degree, vocational certificates, significant on-the-job training, previous work experience, or some college. Middle-skill occupations are generally those that fall under the clerical, sales, construction, installation/repair, production, healthcare and transportation/material moving occupational categories.
- 16) **One-on-One Training:** A training provided in-house that consists of only one trainee and one trainer.
- 17) **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.
- 18) **O\*NET:** The nation's primary source of occupational information, made up of a database with information on hundreds of standardized and occupation-specific descriptors, and O\*NET Online, an interactive application for exploring and searching occupations. For more information, please visit the website at <https://www.onetonline.org/>.
- 19) **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/>.
- 20) **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 (this does not include computer applications deemed essential to the occupational skills training);
  - Basic safety training;
  - Sexual harassment training;
  - State or Federally mandated training (OSHA), except when it is a component of the larger occupational skills training course; or
  - HR training.
- 21) **Training Provider:** An entity that provides a training program with one or more courses or classes, or a structured regimen that leads to a recognized post-secondary credential, secondary school diploma or its equivalent, employment, or measurable skill gains toward such a credential or employment.
- 22) **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).

- 23) **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://dol.ny.gov/workforce-development-plans>.

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

CFA Portal Question	Acronym	Document Title	Required for submission?
Q_12466	MTL	<a href="#">Master Training List</a>	Yes, Excel format
Q_12467	WPA	<a href="#">Work Plan Attachment</a>	Yes, PDF format
Q_12468	DBA	<a href="#">Detailed Budget Attachment</a>	Yes, Excel format
Q_12469	CCW	<a href="#">Cost Comparison Worksheet</a>	Yes, PDF format
Q_12470	KC	<a href="#">Key Contacts</a>	Yes, Excel format
Q_12471	ACBC	<a href="#">Application for Competitively Bid Contract</a>	Yes, PDF with original signatures
Q_12472	VRAQ	<a href="#">Vendor Responsibility Applicant Questionnaire</a>	Yes, PDF with original signatures
Q_12473	EO	<a href="#">Executive Order (EO) 177 Certifications</a>	Yes, PDF with original signatures
Q_12417	EET RFA	<a href="#">Appendix - Existing Employee Training Request for Application</a>	No
	GGPR	<a href="#">Appendix - Grants Gateway Prequalification Requirement</a>	No
	OJZ	<a href="#">Appendix – O*NET and Job Zone Information</a>	No
	PIR	<a href="#">Appendix – Priority Industries by Region</a>	No
	WIOAPC	<a href="#">Appendix – WIOA Partner Contact Information</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_12474	MWBE-1	<a href="#">MWBE and EEO Policy Statement</a>	Yes, PDF with original signatures
Q_12475	MWBE-2	<a href="#">EEO 100 – EEO Staffing Plan</a>	Yes, PDF with original signatures
Q_12417	MWBE-3	<a href="#">Appendix - EEO 101 – Workforce Utilization Report</a>	No, required quarterly AFTER Contract Award
Q_12482	MWBE-4	<a href="#">MWBE 100 – MWBE Utilization Plan</a>	Yes, for Bidders requesting \$25,000 or more in grant funds, PDF format with original signatures



CFA Portal Question	Acronym	Document Title	Required for submission?
Q_12477	MWBE-5	<a href="#">MWBE 101 – Application for Waiver of MWBE Participation Goal</a>	Yes, for Bidders requesting \$25,000 or more in grant funds and if MWBE participation is anticipated to be less than 15% in MBE and/or 15% WBE, PDF format with original signatures
Q_12417	MWBE-6	<a href="#">Appendix - MWBE 105 – MWBE Quarterly Compliance Report</a>	No, required quarterly AFTER Contract Award
Q_12417	SDVOB	<a href="#">Appendix - Service-Disabled Veteran-Owned Businesses (SDVOB) Requirements and Procedures</a>	No
Q_12478	SDVOB-1	<a href="#">SDVOB 100 – SDVOB Utilization Plan</a>	Yes, for Bidders requesting \$25,000 or more in grant funds, PDF format with original signatures
Q_12417	SDVOB-2	<a href="#">Appendix - SDVOB 101 – SDVOB Monthly Compliance Report</a>	No, required monthly AFTER Contract Award
Q_12479	SDVOB-3	<a href="#">SDVOB 200 – Application for Waiver of SDVOB Participation Goal</a>	Yes, for Bidders requesting \$25,000 or more in grant funds and if SDVOB participation is anticipated to be less than 6%, PDF with original signatures

The two NYSDOL CFA WDI programs are: Existing Employee Training (EET) and Unemployed/Underemployed Worker Training (UWT).

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