

# **REQUEST FOR APPLICATIONS**

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

### **Unemployed/Underemployed Worker Training (CFA WDI - UWT)**

Issued on  
**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) Unemployed/Underemployed Worker Training (UWT) Program Request for Applications (RFA) is to secure the services of eligible organizations that can assist the New York State Department of Labor (NYSDOL) by providing occupational skills training commensurate with Regional Economic Development Council (REDC) priorities to unemployed/underemployed individuals to qualify them for full-time or part-time employment or if currently employed, a higher level of employment.

Additional points in scoring will be given to programs that train unemployed/underemployed individuals in priority populations, which include but are not limited to: veterans, individuals with disabilities, currently or formerly incarcerated individuals, long-term unemployed, and Temporary Assistance for Needy Families (TANF) or Supplemental Nutrition Assistance Program (SNAP) recipients. The complete list of priority populations under this program is presented in the Determining Priority Populations ([DPP](#)) attachment of this RFA.

Additional points in scoring will also be given to programs that are targeted to the zones designated under the Governor's [Gun Violence Prevention Initiative](#) and that incorporate strategies designed to engage at-risk unemployed, underemployed, or out-of-school youth between the ages of 18 and 24. The full list of designated zones can be found in [Section VII](#) of this RFA.

## **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 also seeks to support efforts to improve the economic security of women, youth, and other populations that face significant barriers to career advancement.

As part of this comprehensive workforce development initiative, NYSDOL is offering two parallel funding opportunity programs through the CFA portal; UWT and Existing Employee Training (EET). 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 commensurate with REDC priorities. The UWT Program will provide funding for training to unemployed/underemployed workers to qualify them for full time or part-time employment or a higher level of employment. 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.

UWT awards may not exceed \$250,000 per Applicant. Applications that request more than \$250,000 will be reviewed and scored by NYSDOL. If the application is awardable, NYSDOL will proportionately reduce the project funding at the time of award to fit within the maximum funding amount. Applications unable to remain viable with the reduced funding will not proceed to contract execution. Therefore, it is highly recommended that Applicants keep the cost and scope of applications within the maximum award amount.

Applicants must draft their requests for NYSDOL funding as stand-alone training programs. The application must not be based in whole or in part on the assumption that the Applicant 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 unemployed/ underemployed workers to be trained. There is no minimum award amount per trainee under the UWT Program.

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 UWT Program is intended to fund occupational skills training commensurate with REDC priorities to unemployed/underemployed workers to qualify them for full-time or part-time employment, or a higher level of employment. Funded training will focus on assisting trainees in completing the occupational skills training course(s), attaining credentials (if applicable), and entering and retaining employment. As part of the occupational skills training course, the UWT Program will fund career development services,

which teach job search and attainment skills; career awareness, exploration, and enhancement skills; and work readiness, employability, and job retention skills. These additional services may be part of the occupational skills training course(s) but these cannot be stand-alone course(s). Program services are further described in [Section III.D](#). The full definition of career development services is found in [Section VII](#) of this RFA.

Funds may be used to enlist the services of a training provider to deliver occupational skills training to unemployed or underemployed workers. Tuition and other fees may not be charged to the unemployed or underemployed workers served under this UWT funding opportunity. Trainees cannot contribute to the cost of the training(s).

For those Applicants also applying for CFA WDI EET funding in addition to UWT funds, please note that 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 WDI program.

Trainings may take place outside of NYS; however, travel and salary costs 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 can also be a distance learning course but the trainee must be a NYS resident.

Please note, while one-on-one training cannot be paid for through this RFA, there is no minimum number of trainees required and the cost will be reimbursed based on individual trainee attendance; tuition rate, if applicable; and other allowable itemized budget costs. For example, a single trainee cannot be trained by an in-house trainer as the sole trainee, but UWT funding can pay for the tuition costs of a single trainee attending a class at a community college with other individuals who are not subject to UWT funding. This includes occupational skills training provided by outside vendors or sub-contractors wherein the cost will be reimbursed based on a per trainee tuition cost.

Applicants that do not have their own training programs 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 proposed training program as described in the Program Design Section ([V.B.2.](#)) of this RFA. NYSDOL reserves the right to ask for justification of proposed expenditures and cost per trainee.

#### **1. Allowable Costs under the UWT program include the following:**

- The costs of providing occupational skills training course(s) calculated as the tuition rate of each course multiplied by the number of prospective trainees in each course. If an Applicant does not have a published tuition rate, the Applicant must create a tuition rate. Additional information on what costs may be included in a tuition rate can be found in the Tuition Rate ([TR](#)) attachment;
- Credentialing exam fees;

- Textbooks or training materials directly associated with the training, including electronic devices required for training (i.e., tablets or laptops) with an acquisition cost of up to \$999 per device, provided that:
  - These types of electronic devices have a useful life longer than one year. Applicants and awarded Contractors must document the long-term need for the item to demonstrate their benefit to WIOA programs, including, but not limited to:
    - Training longer than six months; and
    - The continued need for the device post-training for job search and work purposes, once hired.
  - The number of devices charged to the contract cannot exceed the number of enrolled trainees confirmed with completed Trainee Information Forms (TIFs) and attendance records;
  - Electronic devices must be provided to participants at the start of training and services rather than at the end as a completion award;
  - Documentation of trainee receipt of the devices must be submitted prior to reimbursement. As part of this documentation, participants must attest that they do not already own the requested electronic devices, or that they only possess old inadequate electronic devices and do not have sufficient personal funds to purchase these items;
  - The Applicant/Contractor must follow their own purchase policy for the electronic devices in compliance with Uniform Guidance. The Applicant/Contractor must also perform a cost comparison analysis to ensure the cost is reasonable;
  - Temporary loaning of such items to participants is also recommended, when appropriate, so that multiple participants can benefit from one purchase;
  - The Applicant/Contractor can emulate and adapt other State agency and public school loan policies as well as loan agreements that address things such as who periodically services the electronic device(s) and participant responsibilities for proper care. Examples include, but are not limited to:
    - <https://www.southcolonieschools.org/chromebook-faq/>;
    - [https://ocfs.ny.gov/main/cb/equipment\\_loan.asp](https://ocfs.ny.gov/main/cb/equipment_loan.asp); and
    - <https://qhsls.org/wp-content/uploads/2020/03/QHSLs-Equipment-Loan-Agreement.pdf>.
  - Due to potential drop-out rates, the Applicant/Contractor must have a policy to address recovery of electronic device(s) upon a participant's early withdrawal from training or services. Reasonable efforts to recover such items must be documented.

Note: As an alternative to line item budgeting, the Applicant/Contractor can include the cost of such items in the published or non-published tuition rate (Section [V.B.4.](#) of this RFA), justified by course requirements that a laptop and/or tablet must be used to participate in the training.

- Software required to deliver the program of training;
- Distance learning fees (i.e., the fee for the training slot and software required to deliver the training program); and
- Supportive services for trainees.

## 2. Allowable Costs under Supportive Services

This RFA intends to fund supportive services for unemployed/underemployed workers to help remove the barriers they face in successfully completing occupational skills training; achieving credential(s), if applicable; and attaining full-time or part-time employment or a higher level of employment.

Supportive services that can be funded through this UWT RFA include:

- **Miscellaneous Participant Expenses:** Expenses such as child and dependent care, housing, and trainee transportation that are directly attributable to trainees that are funded by this contract and not funded by a third party on a referral basis;
- **Incentives:** Encouragement for participants that meet training benchmarks while participating in the program; and
- **Stipends:** Needs related monetary assistance for continued participation in the occupational skills training program, such as for transportation needs (i.e., Metro Cards).

Note: Supportive services do not include wage subsidies.

If supportive services costs are budgeted, the Applicant must provide a full description of the strategies that will be used to offer supportive services and ensure trainees are able to remain in the occupational skills training. Examples of supportive services strategies are detailed in [Section III.D.](#)

## 3. Restrictions on Types of Trainings

UWT 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 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 (as a standalone course); and
- **Any other trainings deemed inappropriate by NYSDOL**, such as training that does not result in a transferable skill, activities determined to be business consulting rather than training (i.e., coaching, reinforcement, etc.) and any other training(s) that do not meet the intent of the RFA.

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

#### **4. Restrictions on the Use of Funds**

UWT funding will only pay for the costs directly related to providing training. It will not pay for any of the following items:

- Training of undocumented workers;
- Participant wages;
- The acquisition, construction, or renovation of buildings or other real estate;
- The purchase of any equipment, defined as an item having a useful life of more than one year and an acquisition cost of \$1,000 or more per unit;
- The purchase of operational software not directly associated with the training (the determination of being directly associated with the training is at NYSDOL's discretion);
- Transportation beyond 550 miles, lodging, and meal costs for relocating in-house or subcontracted trainers for the provision of the proposed training program;
- Advertising (except for recruitment efforts);
- Entertainment;
- Interest costs incurred by provider agencies;
- Costs of organized 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; or
- Any other costs deemed inappropriate by NYSDOL and that do not meet the intent of the RFA.

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

Although leveraged funds from the Applicant are not required, additional points will be awarded during the scoring process based on the percentage of leveraged funds being used.

If costs for the proposed training program are shared with other funding sources, the application must identify the leveraged resources (both cash match and in-kind resources) used to allocate costs among funding sources. Any leveraged funding must be indicated in the CFA portal budget table described in [Section V.C.4.](#) of this RFA.

#### **D. Contracts**

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

After NYSDOL issues an award letter, the award must go through a contract development and contract execution process and ends with 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 reimbursements and payments 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 not-for-profits (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 UWT funding. By accepting an UWT 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 applications 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 the 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](#)) of this RFA 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 an application, 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 Applicant 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-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 EEO 100 (EEO 100, [MWBE-2](#)) with its application as evidence of compliance with the foregoing.

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

The Applicant will be required to submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement ([MWBE-1](#)) to 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.G.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 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(G)(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(G)(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 10th 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 UWT funding include for-profit entities, including corporations, LLCs, LLPs, etc.; NFP entities; municipalities; and educational institutions, including colleges and universities which:

- 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, 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;
- 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; and
- Are, or have partnerships with, business(es) that commit to interview and consider trainees for employment.

Local Workforce Development Boards (LWDBs) have the authority to enter into contracts with institutions of higher education, such as community colleges, or other eligible training providers, to facilitate the training. LWDBs may not deliver training directly with these WIOA funds. Unincorporated LWDBs applying for funds pursuant to this RFA, must designate the local area's WIOA grant recipient or fiscal agent as the official Applicant for any proposal under this RFA.

UWT 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 UWT 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 UWT Program funds on behalf of other organizations.

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

Eligible Applicants must attest to the Minimum Threshold Requirements as outlined in the Evaluation Criteria Section ([V.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. The Research Foundations of the State University of New York (SUNY) and the City University of New York (CUNY), if they are submitting applications on behalf of more than one college, are exempt from this requirement.

## **B. Trainee Eligibility**

Trainees must be unemployed or underemployed workers residing in NYS that are seeking occupational skills training in order to qualify for full-time or part-time employment or to obtain higher level employment. For the full definition of underemployed, please see [Section VII.](#)

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

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

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

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

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

## **C. Partnering with Career Centers**

Career Centers in NYS offer a variety of reemployment services to unemployed and underemployed workers. These services include but are not limited to: an initial assessment; job search strategies and assistance; cover letter and resume assistance; interview skills; mock interviews; Job Zone access; referrals for eligible social services; programs for individuals involved in the justice system; immigrant worker programs; assistance to persons with disabilities; and other supports. Services such as

comprehensive assessment, career guidance, job search, job matching, career counseling or supportive services may be provided when designed to help participants and to ensure long-term employment.

While a formal partnership agreement is not required, partnering with one or more of the WIOA mandated Career Center partners may complement the services provided by Applicants and enhance benefits available to trainees under this RFA. In addition, Applicants providing evidence of partnership with one or more of the mandated partners will receive extra points in scoring. Please refer to [Section VII](#) for the full list of Career Center partners.

The Career Center may refer interested and eligible unemployed or underemployed worker(s) to Applicants who receive an award under this RFA. However, Applicants are fully responsible for the identification of eligible trainees for the awarded training program.

## **D. Program Services**

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

Applicants will be required to describe their strategies to offer career development services, which teach job search and attainment skills; career awareness, exploration, and enhancement skills; and work readiness, employability, and job retention skills.

Applicants will also be awarded extra points for showing alignment with the WIOA Regional Plan and evidence of partnership with WIOA Career Center partners or other community-based organizations.

Occupational skills training and career development services are defined in [Section VII](#).

### **2. Supportive Services**

Strategies for providing supportive services may include but are not limited to:

- Implementing individual or group mentoring strategies, which may include utilizing program graduates and business representatives in training delivery and support groups;
- Providing robust monetary and non-monetary incentives for retention, and strategies related to concrete benchmarks as trainees move through the course(s) (if providing these incentives, include detail on the benchmarks and amount to be paid per benchmark);
- Providing services such as stipends or remuneration that address the needs of prospective trainees for services such as child care, transportation, and housing (if providing these services, include detail on the services provided). Applicants may consider using the Employability Profile at JobZone - <https://dol.ny.gov/jobzone>;
- Establishing a strong and meaningful referral system with partner agencies to ensure supportive services are available to trainees and follow up with agencies and trainees takes place regularly;
- Providing case management of trainees with regular contact (weekly) at the onset of training and employment (in person, phone, social media) and gradually reducing this contact as new hires are acclimated to the job; or
- Maintaining regular contact with business(es) after hires are made to assist with any difficulties that may arise during the trainee's transition to the position.

### 3. Business Engagement

Business engagement in the development of curriculum delivery and implementation ensures improved trainee outcomes and enhances the competitive edge for industry. This can include business representatives as guest speakers or co-facilitators of training modules or business mentors to strengthen trainee comprehension of the expectations of the workplace through one-on-one interactions. Applicants will be required to demonstrate business engagement in their occupational skills training and job placement efforts, using the Business Engagement ([BE](#)) attachment, and utilizing the Occupational Information Network (O\*NET), which can be found online at <http://www.onetonline.org/>.

O\*NET 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 OnLine to identify the O\*NET codes of the positions that businesses commit to interview trainees for and enter these codes in the BE attachment. Details on finding the O\*NET code of an occupation is provided in the O\*NET and Job Zone Information ([OJZ](#)) attachment of this RFA.

### 4. Credentials

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

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

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

Recognized postsecondary credentials must be awarded in recognition of an individual's attainment of measurable 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.

## **5. 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](#)).

Applicants can propose training for multiple titles within a selected industry or across industries based on the occupational skill training need of the partnering business(es). While the identification of multiple industries is allowed, Applicants must indicate a single industry to which the majority of the proposed program will serve.

## **6. Target Geography**

UWT 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).

## **7. 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 UWT 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 successfully complete the threshold questions and are in progress. The NYSDOL CFA Team can only answer program related questions. Applicants should direct any technical questions about the CFA portal to [cfa-tech@ny.gov](mailto:cfa-tech@ny.gov).

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

Eligible Applicants may speak with a NYS Career Center Business Services Representative (BSR) for technical assistance or support during the development of the 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 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) Business Engagement (BE) – Excel format;
- 2) Detailed Budget Attachment (DBA) – Excel format;
- 3) Cost Comparison Worksheet (CCW) – PDF 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 PDF format;
- 9) EEO Staffing Plan (MWBE-2) – Signed and in PDF format;
- 10) MWBE Utilization Plan (MWBE-4) and/or Application for Waiver of MWBE Participation Goal (MWBE-5) – Signed and in PDF format; and
- 11) SDVOB Utilization Plan (SDVOB-1) and/or Application for Waiver of SDVOB Participation Goal (SDVOB-3) – Signed and in PDF format.

The contact information for all business(es) committing to interview and consider trainees must be included in the BE attachment.

Applicants must acknowledge that they have reviewed the informational [attachments](#) prior to the submission of the application in Standard Question 12455. Failure to answer this question will prohibit the Applicant from proceeding with submission of the application.

- 1) Appendix - Unemployed/Underemployed Worker Training Request for Application;
- 2) Appendix - Tuition Rate;
- 3) Appendix - Grants Gateway Prequalification Requirement;
- 4) Appendix – O\*NET and Job Zone Information;
- 5) Appendix – Priority Industries by Region;
- 6) Appendix – Determining Priority Populations;
- 7) Appendix – WIOA Partner Contact Information;
- 8) Appendix - Standard Clauses for all NYS Contracts;
- 9) Appendix - Combined Terms and Conditions;
- 10) Appendix - General Information for Successful Bidders/Applicants;

- 11) Appendix - Master Contract;
- 12) Appendix - WIOA References;
- 13) Appendix - Minority and Women-Owned Business Enterprises (MWBE) and Equal Employment Opportunity (EEO) Requirements and Procedures;
- 14) Appendix - EEO 101 – Workforce Utilization Report;
- 15) Appendix - MWBE 105 – MWBE Quarterly Compliance Report;
- 16) Appendix - Service-Disabled Veteran-Owned Businesses (SDVOB) Requirements and Procedures; and
- 17) Appendix - SDVOB 101 – SDVOB Monthly Compliance Report.

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

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

- 1) Document Vault Prequalified
  - Fully Prequalified
- 2) Document Vault Prequalified Open
  - If an organization proactively opens its document vault before the required documents expire, it will go to this status.
    - i. The Organization will not lose prequalification status unless an expiration date passes.
    - ii. This allows NFPs to apply for funding opportunities without losing prequalification status.
- 3) Document Vault Prequalified/In review
  - This status is only available if an organization has proactively opened its vault prior to document expiration and has submitted it with updated documents.
    - i. 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
  - NYSDOL is making edits and prequalification status is maintained.

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

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

NYSDOL will consider any application not meeting the Grants Gateway registration or non-governmental NFP Application 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 application documents and confirmation of Minimum Threshold Requirement attainment, UWT applications will be evaluated by NYSDOL staff. NYSDOL staff 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 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\_8745) Applicant is a for-profit entity, including a corporation, LLC or LLP; not-for-profit (NFP) entity; municipality; or a college or university;
- 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\_8747) Applicant is or has partnerships with business(es) that commit to interview and consider trainees for employment;
- 7) (Q\_8748) Applicant is responsible for recruiting eligible unemployed/underemployed workers as defined in the RFA;
- 8) (Q\_9265) Applicant will not charge or expect any trainee served under this proposed training program to pay any tuition charges or other fees;
- 9) (Q\_8749) Applicant understands that all Applicants must register in the Grants Gateway system (<https://grantsmanagement.ny.gov>) before application submission;
- 10) (Q\_8750) Applicant understands that all non-governmental NFP organizations must prequalify before application submission and must be in an acceptable pre-qualification status in the Grants Gateway system (<https://grantsmanagement.ny.gov>);
- 11) (Q\_8751) It is the intention of the Applicant that the workers to be trained will either seek full-time or part-time employment or a higher level of employment in NYS upon completion of the training;
- 12) (Q\_9263) Applicant will comply with NYS Labor law and Federal law for the protection of workers; and

- 13) (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:  
[www.labor.ny.gov/businessservices/services/perm.shtm](http://www.labor.ny.gov/businessservices/services/perm.shtm).

## **2. Program Design – 65 Points**

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

### ***Business/Industry Demand (16 points)***

- 1) (Q\_2950) Enter your Federal Employer Identification Number (FEIN). (0 points)
- 2) (Q\_9329) Indicate the exact number of trainees who will be trained under this application. (1 point)
- 3) (Q\_12480) In the [BE attachment](#), provide the following for business(es) making commitments to interview the workers under this proposed training program:
  - i. Business name;
  - ii. Contact information (Contact person, address, telephone number, and email address);
  - iii. Occupational title(s);
  - iv. O\* NET code of the occupation that the trainee will be trained for. The code must match the occupational title(s) or tasks to be performed by the trainee upon the completion of the training. For more information regarding O\*NET codes, please refer to Section III.D.3. of the RFA;
  - v. Number of available job openings at the business; and
  - vi. Number of trainees the business has agreed to interview. (14 points)

Please see the [OJZ attachment](#) for details on obtaining the O\*NET Code of each job title.

- 4) (Q\_9266) Indicate the priority industry the proposed training program will serve. (1 point)  
For information regarding priority industries by region, please see [Section III.D.](#) or the [PIR attachment](#) of this RFA.

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

- 5) (Q\_12463) Indicate a single project county to which the majority of the proposed training program will serve. For more information regarding target geography, refer to [Section III.D.](#) of this RFA. (2 points)

### ***Target Population (10 points)***

- 6) (Q\_12464) Indicate one or more priority population(s), if any, to be served under the proposed training program. For more information regarding priority populations, refer to the [DPP Attachment](#) in [Section VIII](#) of this RFA. (3 points – No priority populations served = 0 points; one

priority population is served = 1 point; two priority populations are served = 2 points; three or more priority populations are served = 3 points)

- 7) (Q\_9337) Provide the percentage of trainees who are part of a priority population (Section III.B). (49.99% or less; 50% to 79.99%; 80% to 100%). (2 points)
- 8) (Q\_12495) Provide the percentage of trainees who will be referred to the Governor's Gun Violence Prevention Initiative. For more information on this Initiative and the designated areas, refer to [Section VII](#) of this RFA. (25% or less; 25.01% to 50%; 50.01% to 100%). (2 points)
- 9) (Q\_9342) Describe, using and citing local data sources, the characteristics, such as knowledge, abilities, education, literacy, and skill levels, language spoken, prior work experience of this application's unemployed/underemployed target population. (2 points)
- 10) (Q\_9343) Indicate the outreach and recruitment strategies that will ensure participation by the targeted unemployed or underemployed workers. (1 point)

***Occupational Skills Training Course(s)/Career Development (26 points)***

- 11) (Q\_12398) Provide a brief summary of each occupational skills training course, including:
  - i. The name of each course;
  - ii. The educational strategy for each course (i.e., classroom training, distance learning, etc.);
  - iii. The materials to be used for each course (i.e., textbooks, presentations, guest speakers, etc.);
  - iv. The duration for each course (i.e., the number of weeks and total number of hours for each course); and
  - v. A detailed description of the occupational skills the trainees will acquire for each occupational skills training course (7 points).
- 12) (Q\_12399) Provide a detailed 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).
- 13) (Q\_12400) Provide a detailed description of how the occupational skills gained during the training course are similar to the skills needed by the business(es) committed to interview trainees served under this RFA (2 points).
- 14) (Q\_12401) Provide a specific description of the career development services, which teach job search and attainment skills; career awareness, exploration, and enhancement skills; and work readiness, employability, and job retention skills, that will be provided to the to the priority population targeted for the training program. (i.e. mock interviews, job search skills, career pathways exploration, career counseling, time management, communication, etc.) (4 points - No services provided = 0 points; one service provided = 1 point; two services provided = 2 points; three services provided = 3 points; four or more services provided = 4 points).
- 15) (Q\_12402) Describe how the occupational skills, as detailed in Q\_12398, 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)

- 16) (Q\_12403) 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.D.) and Section VII of this RFA. (3 points)
- 17) (Q\_12404) Identify the strategies the Applicant will use to offer supportive services to ensure trainees remain in the occupational skills training. Strategies should include but are not limited to strategies as identified in [Section III.B.](#) of this RFA. (3 points – No supportive services offered = 0 points; one supportive service offered = 1 point; two supportive services offered = 2 points; three or more supportive services offered = 3 points)
- 18) (Q\_9374) Detail the plans or current actions undertaken to create alignment of the proposed training program with the WIOA Regional Plan for the identified region as discussed in Section III.D. of this RFA. (1 point)
- 19) (Q\_12405) Describe the current partnership(s) with one or more of the required Career Center System Partners or any community-based organizations in the local area or region, and how that partnership will support the proposed training program. (2 points)

**Outcomes (3 points)**

- 20) (Q\_12408) Has the Applicant provided a similar occupational skills training program in the past?

If yes:

(Q\_12406) Provide the percentage of trainees from prior Applicant-sponsored occupational skills training course(s) that attained a credential. For a definition of credential see the Program Services Section ([III.D.2.](#)) and [Section VII](#) of this RFA. (Percentages of 50% or less; 50.01% to 100%) (1 point)

If no:

(Q\_12407) Provide the estimated percentage of trainees who will attain a credential from the occupational skills training course(s). For a definition of credential see the Program Services Section ([III.D.2.](#)) and [Section VII](#) of this RFA. (Percentages of 50% or less; 50.01% to 100%) (1 point)

- 21) (Q\_12409) Select the geographical area where the proposed program is offered.

(Q\_12410) If the project is located in New York City: Select the average hourly wage the majority (51% or more) of trainees will receive upon completion of the occupational skills training course(s). Minimum wage (\$15.00) to \$16.50; \$16.51 to \$18.00; \$18.01 to \$19.50; \$19.51 and up.

(Q\_12411) If the project is located in Long Island or Westchester County: Select the average hourly wage the majority (51% or more) of trainees will receive upon completion of the occupational skills training course(s). Minimum wage (\$14.00) to \$15.50; \$15.51 to \$17.00; \$17.01 to \$18.50; \$18.51 and up.

(Q\_12412) If the project is located in the rest of New York State: Select the average hourly wage the majority (51% or more) of trainees will receive upon completion of the occupational skills training course(s). Minimum wage (\$12.50) to \$13.60; \$13.61 to \$15.10; \$15.11 to \$16.60; \$16.61 and up. (2 points)

**Leveraged Funding (4 points)**

- 22) In the CFA portal budget table, identify the use, source, status, and dollar amounts of leveraged funding, if any. No narrative is required for this question and NYSDOL will make the calculations for leveraged funds based on the CFA portal budget table provided by the Applicant. For more information about leveraged funding, please refer to Section II.C. in this RFA. (Leveraged percentages of 0% to 25%; 25.01% to 50%; 50.01% to 75%; 75.01% and up). (4 points)

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

- 23) (Q\_9344) Identify the number of full-time equivalent (FTE) workers currently employed by the applicant business. (0 points)
- 24) (Q\_9345) 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)
- 25) (Q\_9347) What is the Applicant's annual revenue? (0 points)
- 26) (Q\_9349) 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, are 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 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 number of trainees obtaining employment after training; the number of trainees receiving career development services; the number of trainees attaining licensing/credential; trainee participation and satisfaction; the increase in trainee wages; training assessment outcomes; and trainee enrollment in advanced education.

**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 Restrictions on Types of Training ([III.B.3.](#)) and the Restrictions on the Use of Funds Sections ([II.B.4.](#)) of this RFA.

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

The CFA budget portal table has five columns:

- Use – Select “Proposed Program” (includes all proposed program costs, including career development and supportive services);
- 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 complete and submit the [DBA](#) with their application. The DBA requires specific detail for the costs of occupational skills training course(s), including career development services (Training Costs); the allowed non-Personnel Costs of books or training materials directly associated with the training; software required to deliver the training (distance learning fees); credentialing exam fees; the miscellaneous trainee expenses, including supportive services costs; and the incentive or stipends costs. 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 the Application Final Score.

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

Applications will be reviewed in the order they are received. Each application will be scored on its individual merit and will not be compared to other applications. Eligible applications that attain an Application Final Score of 70 points or more will be awarded funding. Successful Applicants will be awarded on a continuous basis until the funds allocated to 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.

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 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 tuition rate). For trainee attendance of 51% and above, the reimbursement will be for 100% of the tuition rate.

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

**Electronic Payments** – Payment for invoices submitted by the Contractor shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, 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 application and portions of the RFA deemed applicable by NYSDOL will be made part of the contract. Therefore, an official authorized to commit the company to a contract must sign the application.

## **D. Buy American Requirements**

Applicants should be aware of the requirements of 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**

NYS DOL, 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 an 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 Partners):** NYS's Career Center System is funded by WIOA and is made up of 33 LWDBs that oversee their respective Local Workforce Development Areas (LWDAs) and 96 Career Centers. The System includes:

Core Program Partners:

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

Other Career Center Partners:

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

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

3. **Career Development Services:** Include services provided to trainees along with occupational skills training to develop their:
  - Job search and attainment skills – Increase job placement potential by honing resume, cover letter, references development, mock interviews, networking, job search skills etc.;

- Career awareness, exploration and enhancement skills – Career awareness begins the process of developing knowledge of careers and occupations available, their skill requirements, working conditions and training prerequisites, and job opportunities across a wide range of industry sectors. Career exploration increases trainees’ ability to explore career pathways and understand how their personal attributes (interests, skills, values, motivations, aptitudes and abilities) affect their potential success and satisfaction with different career options and work environments. Career counseling or guidance provides advice and support in making decisions about what career paths to take; and
- Work readiness, employability, and job retention skills – Increase job retention with a variety of services provided to an individual to have the necessary competencies, capabilities, and readiness to acquire or maintain an appropriate job. Such services could include teaching workplace professionalism (i.e., basic computer skills, time management, workplace behavior, team building, mindfulness, and communication).

These services can be provided in a variety of ways such as individual, peer or group mentoring; presentations; career assessments and exploration, using JobZone (<https://dol.ny.gov/jobzone>); hands-on-activities; field trips; demonstrations; group exercises, career informational fairs, etc.

4. **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

High Need	Medium Need	Low Need
St. Lawrence	Washington	Warren
Sullivan	Westchester	Wayne
Yates		Wyoming

**5. 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).

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

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

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

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

**8. Gun Violence Prevention Initiative:** On July 6, 2021, NYS Governor Andrew M. Cuomo signed Executive Order [No. 211](#): Declaration of a State Wide Disaster Emergency Due to Gun Violence.

On July 14, 2021, the Governor [announced](#) \$12M to provide training and jobs to 2,400 out-of-school youth in New York City, and on July 21, 2021, the Governor further [announced](#) \$16M to fund workforce training and job placement programs for 3,200 youth in 20 cities across NYS most impacted by gun violence. These locations are:

Area	Youth to be Served
Nassau County	180
Hempstead	100
Suffolk	140
Albany	190
Schenectady	60
Troy	140
Buffalo	530
Jamestown	45
Niagara Falls	50
Syracuse	150
Rochester	450
Poughkeepsie	70
Kingston	60
Newburgh	120
Middletown	65
Yonkers	220
Mount Vernon	210
Spring Valley	150
Utica	120
Binghamton	150

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. **Incentives:** Encouragement for participants to meet certain benchmarks during the occupational skills training program.
11. **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 (defined as individuals 55 and older, per WIOA §3(39));
- Currently and formerly incarcerated individuals;
- Homeless individuals or homeless children and youth;
- Youth who are in or have aged out of the foster care system;
- Individuals who are English Language Learners, have low levels of literacy, 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.

- 12. Leveraged Funding:** A financial commitment (cash or in-kind) used by the Applicant toward the costs of a project available from source(s) other than the granting organization or the CFA WDI application process. Leveraging can be achieved by a commitment from the Applicant or through various partnerships.
- 13. 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.
- 14. Long-Term Unemployed:** Individuals, who at the time the appropriate training begins, have been unemployed for 20 weeks or more.
- 15. One-on-One Training:** A training provided in-house that consists of only one trainee and one trainer.
- 16. 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.

- 17. 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/>.
- 18. Priority Populations:** Individuals who meet the WIOA definition of Individual with a Barrier to Employment. Please refer to the Individual with a Barrier to Employment definition in [Section VII](#) and the [DPP Attachment](#).
- 19. Published Tuition Rate:** The rate for each occupational skills training course that is published in written materials or online by the training provider.
- 20. 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/>.
- 21. 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 an essential component of the occupational skills training);
  - Basic safety training;
  - Sexual harassment training; or
  - HR training.
- 22. Stipend:** Monetary assistance for continued participation in the occupational skills training program.
- 23. Supportive Services:** Assist in removing barriers, faced by unemployed/underemployed workers, to participation in the CFA program and entering employment or upgrading to a higher level of employment. Such services are monetary or non-monetary and could include transportation, child care, dependent care, housing, linkages to partner agencies, peer/group/individual mentoring strategies. Under the CFA, these services may also include miscellaneous trainee expenses or robust incentives for meeting certain benchmarks during the course of the occupational skills training or stipends to assist with remaining in the program. These services must be necessary to enable an individual to participate in the occupational skills training and career development services.
- 24. 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.
- 25. Underemployed:** Underemployed individuals, as defined by WIOA, may include (1) individuals employed less than full-time who are seeking full-time employment; (2) individuals who are employed in a position that is inadequate with respect to their skills and training; (3) individuals who are employed who meet the definition of a low-income individual in WIOA sec. 3(36); and (4) individuals who are employed, but whose current job’s earnings are not sufficient compared to their previous job’s earnings from their previous employment, per State or local policy.

- 26. 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).
- 27. 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

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

CFA Portal Question	Acronym	Document Title	Required for submission?
Q_12480	BE	<a href="#">Business Engagement</a>	Yes, Excel format
Q_12483	WPA	<a href="#">Work Plan Attachment</a>	Yes, PDF format
Q_12481	DBA	<a href="#">Detailed Budget Attachment</a>	Yes, Excel format
Q_12484	CCW	<a href="#">Cost Comparison Worksheet</a>	Yes, PDF format
Q_12485	KC	<a href="#">Key Contacts</a>	Yes, Excel format
Q_12486	ACBC	<a href="#">Application for Competitively Bid Contract</a>	Yes, PDF with original signatures
Q_12487	VRAQ	<a href="#">Vendor Responsibility Applicant Questionnaire</a>	Yes, PDF with original signatures
Q_12488	EO	<a href="#">Executive Order (EO) 177 Certifications</a>	Yes, PDF with original signatures
Q_12455	UWT RFA	<a href="#">Appendix - Unemployed/Underemployed Worker Training Request for Application</a>	No
	TR	<a href="#">Appendix - Tuition Rate</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
	DPP	<a href="#">Appendix – Determining Priority Populations</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_12489	MWBE-1	<a href="#">MWBE and EEO Policy Statement</a>	Yes, PDF with original signatures
Q_12490	MWBE-2	<a href="#">EEO 100 – EEO Staffing Plan</a>	Yes, PDF with original signatures
Q_12455	MWBE-3	<a href="#">Appendix - EEO 101 – Workforce Utilization Report</a>	No, required quarterly AFTER Contract Award

<b>CFA Portal Question</b>	<b>Acronym</b>	<b>Document Title</b>	<b>Required for submission?</b>
Q_12494	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
Q_12491	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_12455	MWBE-6	<a href="#">Appendix - MWBE 105 – MWBE Quarterly Compliance Report</a>	No, required quarterly AFTER Contract Award
Q_12455	SDVOB	<a href="#">Appendix - Service-Disabled Veteran-Owned Businesses (SDVOB) Requirements and Procedures</a>	No
Q_12492	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_12455	SDVOB-2	<a href="#">Appendix - SDVOB 101 – SDVOB Monthly Compliance Report</a>	No, required monthly AFTER Contract Award
Q_12493	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).

Note: This workforce product is partially funded by a grant awarded by USDOL’s Employment and Training Administration (ETA). The product was created by NYSDOL and does not necessarily reflect the official position of USDOL. Neither USDOL nor NYSDOL make any guarantees, warranties, or assurances of any kind, express or implied, with respect to such information, including any information on linked sites and including, but not limited to, accuracy of the information or its completeness, timeliness, usefulness, adequacy, continued availability, or ownership.