

REQUEST FOR APPLICATIONS
APPRENTICESHIP EXPANSION GRANT

Bid Number AEG-3

Issued on
July 20, 2022

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 until 4:00 PM New York State Time on December 30, 2022

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Table of Contents

- I. Funding Opportunity Description 3**
 - A. Purpose..... 3
 - B. Background 3
- II. Award Information..... 3**
 - A. Funding..... 3
 - B. Use of Funds..... 4
 - C. Award Minimums 7
 - D. Contracts..... 7
 - E. Contracting Process 8
 - F. NYSDOL’s Responsibilities 9
 - G. Applicant Requirements..... 9
 - H. Participation Requirements..... 9
- III. Eligibility Information.....15**
 - A. Applicant Eligibility15
 - B. Participant Eligibility15
 - C. O*NET Codes.....16
- IV. Process for Application Submission16**
 - A. Questions Concerning this RFA.....16
 - B. Application Due Date16
 - C. Application Submission Instructions and Format.....16
 - D. Grants Gateway Registration and Prequalification Status17
 - E. RFA Timetable18
- V. Application Review and Selection18**
 - A. Evaluation of Applications.....18
 - B. Evaluation Criteria19
 - C. Method of Selection24
- VI. Award Administration and Information.....24**
 - A. Award Notices24
 - B. Payment.....25
 - C. General Requirements.....26
 - D. Buy American Requirements..... **Error! Bookmark not defined.**
 - E. Federal and NYS Executive Orders.....26
 - F. Reservation Clauses.....26
- VII. Attachments and Appendices.....28**

I. Funding Opportunity Description

A. Purpose

The New York State Department of Labor (NYSDOL) is making up to \$2.55M in funding available under the Apprenticeship Expansion Grant (AEG-3) Request for Applications (RFA). The purpose of this RFA is to expand New York State (NYS) Registered Apprenticeship (RA) training by increasing employment opportunities for approximately 170 apprentices, with a focus on underrepresented populations. These apprentices will enter trades in high-demand occupations, with a focus on the emerging fields of Advanced Manufacturing, Healthcare, Hospitality, and Information Technology, as well as other in-demand occupations. Please note that this solicitation focuses on promoting the **expansion** of NYS RAs and as such, RAs in the field of Construction are not eligible for funding under this RFA unless the trade is to be used for the upkeep and maintenance of a facility owned by the business entity employing the apprentice, such as plant maintenance trades.

B. Background

NYS faces a middle-skill labor shortage and failing to address this “middle-skill gap” will erode NYS’s ability to strengthen middle-class economic justice for its citizens. This causes NYS’s businesses to be less competitive in the global economy due to losses in productivity and forces them to seek skilled workers elsewhere. NYS is committed to expanding RA in NYS by increasing the number of apprenticeships in high-demand fields like Advanced Manufacturing, Healthcare, Hospitality, and Information Technology.

RA is a global, tried, and true workforce development strategy that offers apprentices opportunities to earn a salary while learning the skills that businesses demand in a variety of occupations across industries. NYS RAs provide structured on-the-job training (OJT), Related Instruction (RI), regular documentation of progress, and achievement of a NYS certificate of completion. RA is a job-driven strategy, providing a pathway for many to the middle class. For businesses, RA serves as an opportunity to grow their own workforce and meet skill needs for the future. Previously, NYSDOL released AEG-1 and AEG-2, which made funding available to expand RA training by increasing employment opportunities for apprentices.

NYSDOL continues to market and promote NYS RA as the workforce development tool to train tomorrow’s middle skill workers in high-demand occupations. Priority industries vary by area. A list of these areas, their corresponding economic development plans, and the priority industries can be accessed at <http://regionalcouncils.ny.gov/> for Regional Economic Development Councils (REDC) and <https://labor.ny.gov/workforcenypartners/lwda/regional-plans.shtm> for Local Workforce Development Boards (LWDBs).

II. Award Information

A. Funding

NYSDOL is making up to \$2.55M available for bid until December 30, 2022, as part of continued efforts to serve approximately 170 apprentices (see [Section III.B.](#)) in NYS RAs. Funding will cover costs associated with training apprentices through RA, such as RI, OJT, books, and tools. This RFA is supported by an Apprenticeship State Expansion grant from the United States Department of Labor Employment

and Training Administration (USDOL ETA). A total of \$2.55M, or 100% of this RFA, will be financed with federal funds.

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.

Single award amounts will not exceed \$300,000. Applications that request more than \$300,000 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.

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.

Applicants awarded a grant through this RFA may re-apply for up to an additional \$300,000 after successfully registering 80% of the planned number of apprentices into their AEG-3 awarded NYS RA program, and having expended at least 80% of the awarded funds, if sufficient funding and time remain.

All awards are subject to funding availability.

B. Use of Funds

AEG-3 funding is intended for the placement of apprentices into NYS RAs.

NYSDOL will provide awardees with up to \$15,000 for each apprentice under this RFA (See [Section II.B.4.](#) below); applicants may request funding to support as many apprentices as possible within the \$300,000 maximum award amount.

1. Allowable Costs

a. Related Instruction

- RI for this RFA is defined as instruction in technical subjects related to the trade which will be provided to each apprentice for a minimum of 144 hours per year. RI is designed to provide apprentices with the knowledge of the theoretical subjects related to the apprentices' occupation.
- RI must be conducted by the RA sponsor's approved RI Provider (as indicated on the RI Availability Form AT-8) to instruct topics listed in Appendix B of the trade's training outline.
- RI may be provided in-person or via electronic media. Funds will not pay for the cost of any software separate from the electronic device purchase price or internet service needed in order to access the instruction.
- Sponsors are not required to pay wages to apprentices while they are attending RI.
- For the use of RI funds under this RFA, apprentices cannot contribute to the cost of the RI.
- The cost of RI shall be reimbursed based on a per apprentice amount, in accordance with standard tuition rates for RI that may be published or in the case of trainers who do not

have a published tuition rate, may be calculated using the method described in the Tuition Rate (TR) attachment in Section VII.

- There is no minimum number of apprentices required for RI.
 - All proposed RI expenditures must be reasonable, necessary, and clearly related to the purposes and activities of the project as described in the applicant's project narrative. During the contracting process, NYSDOL reserves the right to ask for a justification of proposed expenditures and cost per apprentice.
- b. On-the-Job Training
- Training will be provided to the apprentice(s) by journeyworkers, while meeting the required apprentice-to-journeyworker ratio for each trade, as determined by the Commissioner of Labor and posted on NYSDOL's website at <https://dol.ny.gov/apprenticeship/apprenticeship-trades>. This will be "hands-on" training and supplemented by RI. Refer to [Section II.B.3](#) for OJT wage reimbursement rates allowed by this program.
- c. Textbooks, training materials, or electronic devices directly associated with the RI.
- Only items with a per-unit cost of less than \$1,000 are allowed.
- d. Tools directly associated with OJT, including electronic devices required to complete the OJT (i.e., iPads or Chromebooks) with an acquisition cost of up to \$999 per device.

Electronic Device Requirements

- Please note 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 RA programs, including, but not limited to RI and or OJT training longer than six (6) months;
- The number of devices charged to the contract cannot exceed the number of enrolled apprentice 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 apprentice 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/programs/nyscb/equipment-loan.php>; 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 RI tuition rate (Section V.B.4. of this RFA), justified by course requirements that an iPad and/or Chromebook must be used to participate in the training.

- e. Group Program Sponsors or their Lead applicant (those applicants who are designated by a sponsor of an active or probationary NYS RA group program) who are not the RI training provider, or the OJT employer are eligible for reimbursement of indirect costs, if incurred. Refer to the Indirect costs in [Section V.B.4.1.](#) for an explanation of these costs.

2. Restrictions on the Use of Funds

AEG will not pay for any of the following items:

- Any RA in the field of Construction (O*NET Family Code 47) unless the trade is to be used for the upkeep and maintenance of a facility owned by the business entity employing the apprentice, such as plant maintenance trades;
- The acquisition, construction, or renovation of buildings or other real estate;
- Any item or cost that has also been paid for or contributed to by the apprentice;
- The purchase of any operational software;
- Supportive services such as childcare, transportation, lodging, and meals for the apprentices (these services may be available through a local area Career Center);
- Costs associated with a trainer's transportation, lodging, and meals where the cost is not incorporated into the tuition rate;
- Advertising;
- Entertainment;
- Interest costs incurred by provider agencies;
- Costs of organized fund raising;
- Sales 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);
- Conferences and seminars;
- Start-up costs, curriculum development, and assessment costs on the part of the contractor;
- Registration fees (except those paid to RI providers);

- Payment of fees associated with attendance at seminars, conferences, or meetings of professional organizations;
- Training required as part of a Federal, state or local government mandate (excluding training that is directly related to the trade’s training outline);
- Purchase of videos or DVDs;
- Any other costs deemed inappropriate by NYSDOL, such as training that does not result in a transferable skill, activities that are determined to be business consulting rather than training (e.g., coaching, follow-up, reinforcement, etc.), and any costs that do not meet the intent of the RFA; or
- Any equipment, tool, textbook, or other tangible personal property with a per-unit cost of \$1,000 or more.

If an applicant is unsure about unallowable trainings or costs they should consider asking specific questions before the Questions Deadline identified in [Section V.A.](#) of this RFA and listed in the RFA time table, [Section IV.E.](#)

3. OJT Wage Reimbursement Rate

NYSDOL has established an OJT wage reimbursement policy for the AEG. The reimbursement level to a business may not exceed 50% of the wage rate of the apprentice for all businesses. Please note that all OJTs must pay at least the NYS minimum wage, which can be found here:

<https://www.ny.gov/new-york-states-minimum-wage/new-york-states-minimum-wage>.

4. Training Cap Per Apprentice

The cap under this RFA is \$15,000 per apprentice (apprentices who were trained under a contract in AEG-2 may only be trained for a maximum of \$5,000 under AEG-3).

If the training or associated costs proposed by the applicant exceeds the \$15,000 per apprentice cap set above, the applicant must pay the difference. Note that this is a cap per apprentice, not an average cost of all apprentices identified in the application.

If apprentices attend RI during their work hours, OJT hours cannot be combined with RI hours.

C. Award Minimums

There is no minimum award amount under the AEG program. All awards are subject to funding availability.

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 12 months. Applicants must include only the training opportunities that can be reasonably accomplished within a 12-month 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, the contract shall not exceed AEG-3's period of performance (which is currently scheduled to end June 30, 2023) unless extended by USDOL. 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-profit (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, USDOL or NYSDOL may conduct an independent evaluation of the outcomes and benefits of AEG funding. By accepting an award under this RFA, the Applicant agrees to participate in any such evaluation.

Existing awardees under RFA Bid Number AEG-2 are now eligible for contract periods of up to 12 months, and to apply for additional funding after successfully registering 80% of the planned number of apprentices into their NYS RA program as specified in their awarded contract, if sufficient funding and time remain. Funds awarded under RFA Bid Number AEG-3 may be used to support apprentices enrolled under AEG-2, however when calculating the per apprentice cap of \$15,000, NYSDOL will include the per participant cap of \$5,000 under AEG-2 as well as additional funds awarded under AEG-3. Therefore, apprentices who were enrolled under AEG-2 cannot receive more than \$5,000 worth of training or assistance under AEG-3.

E. 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 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. 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; 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).

G. Applicant Requirements

By submission of an application in response to this solicitation, Applicants agree with the Minimum 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.

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 VII](#) (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 465-469
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 10th 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.

5. 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 #6 which continues former Governor Andrew M. Cuomo Executive Order #162 issued on January 9, 2017, Contractors and subcontractors will also be required to report the gross wages 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.

6. 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 465-469, Albany, NY 12240; Email: 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 to discuss additional methods of maximizing participation by SDVOBs on the contract.

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

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

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

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

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

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

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

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

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

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

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

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

In accordance with 9 NYCRR § 252.2(m), an Applicant that is able to document good faith efforts to meet the goal requirements, as set forth in Section II(H)(3)(d) below, may submit a request for a partial or

total waiver on Form SDVOB 200 ([SDVOB-3](#)), accompanied by supporting documentation. An Applicant may submit the request for waiver at the same time it submits its SDVOB Utilization Plan ([SDVOB-1](#)). If a request for waiver is submitted with the SDVOB Utilization Plan ([SDVOB-1](#)) and is not accepted by NYSDOL at that time, the provisions of Sections II(H)(3)(c-e) of this RFA will apply. If the documentation included with the Applicant's waiver request is complete, NYSDOL shall evaluate the request and issue a written notice of acceptance or denial within 20 days of receipt.

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

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

Waiver requests should be sent to NYSDOL, Purchase and Contracts, SDVOB Administrator, State Campus, Building 12, Room 465-469, Albany, NY 12240. Email: 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](#)) 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 465-469, Albany, NY 12240. Email: 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

For this RFA, an eligible applicant must be a sponsor of an active or probationary NYS RA program, a lead applicant designated by a sponsor of an active or probationary NYS RA group program, a signatory employer to an active or probationary NYS RA group program (please note that signatory and NYS RA group program awardees cannot serve the same apprentices), or be an applicant for a NYS RA program whose application has been received by NYSDOL and posted on the NYSDOL website for public comment (<https://dol.ny.gov/apprenticeship/sponsors-and-programs>). Sponsors include individual employers, groups of employers, or partnerships between an employer(s) and a labor union(s). To apply for a NYS RA program, contact your local NYSDOL Apprenticeship office (<https://dol.ny.gov/apprenticeship/apprenticeship-contacts>). Please note, awards cannot be made until the applicant has a NYSDOL-approved NYS RA program.

Additional requirements for grant applicants include:

- Must be legal entities able to fulfill all requirements associated with state and federal grant obligations. Group programs which do not meet these requirements must appoint a lead applicant;
- Must be headquartered in NYS or have at least one site located in NYS at the time of application; and
- Must be 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.

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

The use of a grant writer is acceptable, only if the applicant, and not the grant writer, commits to implementing the training or services listed in the application if a grant is awarded.

NYS Agencies are not eligible to apply for funding.

B. Participant Eligibility

Participants who meet the following requirements are eligible:

- Individuals not yet enrolled in a NYS RA Program who meet the minimum eligibility requirements for enrollment. Note, minimum eligibility requirements are determined by

sponsors and indicated on the Apprentice Training Recruitment Notification and Minimum Qualifications Form;

- Apprentices enrolled in a NYS RA Program no more than six (6) months prior to the RFA application submission date; and
- Apprentices who were enrolled in a NYS RA Program under AEG-2 (See [Section II.B.4.](#) for additional information regarding the per participant cap for AEG-2 enrolled apprentices).

Applicants are encouraged to actively recruit women and underrepresented populations, including minorities, and individuals with disabilities.

Apprentices need not be NYS residents.

C. O*NET Codes

The Occupational Information Network (O*NET), found online at <http://www.onetonline.org/>, is an interactive application for exploring and searching occupations and their distinguishing key features. Applicants should utilize O*NET OnLine to identify the O*NET codes of the title, positions, or job into which apprentices will be placed. Please note that O*NET codes under the job family Construction (47) are restricted under this AEG RFA unless the trade is to be used for the upkeep and maintenance of a facility owned by the business entity employing the apprentice. A list of those occupations can be found online: <https://www.onetonline.org/find/family?f=47>.

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/ETA's, is available at no cost to the user, and is continually updated by surveying a broad range of workers from each occupation.

IV. Process for Application Submission

A. Questions Concerning this RFA

Applicants may submit questions via electronic mail to WDTD.Onestop@labor.ny.gov. Questions regarding the RFA will be accepted on an ongoing basis until December 19, 2022. No telephone inquiries will be accepted. All inquiries should include the following reference in the Subject line: "AEG-3 Question". Answers to all questions will be posted on the NYSDOL website (<https://dol.ny.gov/funding-opportunities-0>) on an ongoing basis until December 23, 2022.

B. Application Due Date

The completed application with all required attachments will be accepted immediately and on an ongoing basis through the Grants Gateway until 4:00 pm NYT on December 30, 2022. Grants Gateway will not accept any applications or unsolicited amendments to applications after the due date and time. No mailed, faxed or emailed documents will be accepted. NYSDOL takes no responsibility for any third-party error in the delivery of applications (e.g., computer failure, power outages, etc.).

C. Application Submission Instructions and Format

Interested parties must apply online via the Grants Gateway website at <https://grantsmanagement.ny.gov/>.

Completed applications must be submitted through the Grants Gateway by the designated date and time. To apply, applicants must be registered and logged in to the Grants Gateway as detailed in [Section II.E.](#)

For an application to be considered, the applicant must meet the eligibility criteria outlined in [Section III.A.](#), complete all required parts, and upload all the documents or information requested in the forthcoming sections in the Grants Gateway system prior to the submission due date.

Required application attachments ([Section VII](#)) are listed below:

- 1) Budget Worksheet (BW).
- 2) Detailed Budget Attachment (DBA)
- 3) Vendor Responsibility – Applicant Questionnaire (VRAQ).
- 4) Notice to Individual Submitting Applications (NISA).
- 5) MWBE and EEO Policy Statement (MWBE-1).
- 6) Equal Employment Opportunity Staffing Plan (MWBE-2).
- 7) Minority and Women Owned Business Enterprises (MWBE) Utilization Plan and Requirements (MWBE-4).
- 8) Application for Waiver of MWBE Participation Goal (MWBE-5).
- 9) Service- Disabled Veteran-Owned Business (SDVOB) Utilization Plan and Requirements (SDVOB-1).
- 10) Application for Waiver of SDVOB Participation Goal (SDVOB-3).
- 11) Lead Applicant Designation Form (LADF).
- 12) Executive Order (EO) 177 Certification (EO).
- 13) Executive Order (EO) 16 Certification (EO)
- 14) Key Contacts (KC).

D. 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
 - i. Fully Prequalified
- 2) Document Vault Prequalified Open
 - i. If an organization proactively opens its document vault before the required documents expire, it will go to this status.
 - ii. The Organization will not lose prequalification status unless an expiration date passes.

- iii. This allows NFPs to apply for funding opportunities without losing prequalification status.
- 3) Document Vault Prequalified/In review
 - i. This status is only available if an organization has proactively opened its vault prior to document expiration and has submitted it with updated documents.
 - ii. 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
 - i. NYSDOL is making edits and prequalification status is maintained.

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.

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 <http://grantsreform.ny.gov> or contact the Grants Reform Team at: grantsreform@its.ny.gov. The Grants Reform help desk/hotline can be reached at (518) 474-5595.

E. RFA Timetable

- RFA Release Date – July 20, 2022
- Deadline Date for Questions – Ongoing, as received, no later than December 19, 2022
- Deadline Date for Responses to Questions – Ongoing, as received, no later than December 23, 2022
- Application Due Date – Ongoing, no later than 4:00 PM NYT on December 30, 2022
- Projected Notification of Awards – Ongoing as received
- Latest Possible Contract End Date – June 30, 2023 (in the absence of any extensions)

V. Application Review and Selection

A. Evaluation of Applications

A complete application, including the DBA and all other required attachments, must be submitted via Grants Gateway so that NYSDOL can conduct a full and proper evaluation. Failure to answer all questions in the application will jeopardize the Applicant’s potential for funding. NYSDOL will make an initial eligibility determination on each application received. Applications that do not meet NYSDOL minimum eligibility requirements will be disqualified. Applications deemed eligible will be scored based on further review and evaluation. Application scores will consist of 60% for Program Design, 20% for Work Plan, and 20% for Budget. 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 eligibility requirements. Upon receipt of all required application documents and confirmation of minimum eligibility requirement attainment, applications will be evaluated by NYSDOL staff. Applications will be scored based on the Program Design, Work Plan, and Budget described in the Evaluation Criteria Section ([V.B.](#)) of this RFA.

B. Evaluation Criteria

The Evaluation Criteria has four parts: the Minimum Requirements; the Program Design; the Work Plan; and Budget. The evaluation of the application will consist of a review of each part independently. Each is described below:

1. Minimum Requirements

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

- 1.1) The applicant is not a NYS Agency;
- 1.2) The applicant is a sponsor of an active or probationary NYS RA program, a lead applicant designated by a sponsor of an active or probationary NYS RA group program, a signatory employer to an active or probationary NYS RA group program, or an applicant for a NYS RA program whose application has been received by NYSDOL and posted on the NYSDOL website for public comment;
- 1.3) The applicant is headquartered in NYS or has at least one site located in NYS at the time of application;
- 1.4) The 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;
- 1.5) The applicant agrees to comply with NYS Equal Employment Opportunity Regulations Part 600 and its Affirmative Action Plan/Pledge;
- 1.6) None of the funds to be used under this RFA will be used for the relocation of employment from facilities in other locations which would result in employees losing jobs at the original location;
- 1.7) The applicant understands that all NFP applicants, in addition to registering in the Grants Gateway system, must be prequalified in the Grants Gateway system (<https://grantsgateway.ny.gov>) no later than the date of application submission or the NFP organization's application will not be reviewed;
- 1.8) 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/services listed in the application, if a grant is awarded.);
- 1.9) The applicant is responsible for recruiting, as defined in their approved RA Program, and ensuring the participation of eligible participants as defined in the RFA;
- 1.10) The applicant understands that tuition charges, books, tools and other fees submitted for reimbursement under this RFA shall not also be charged to apprentices;

- 1.11) The applicant understands that any award must be expended on program activities in NYS, and as such:
 - a.) The applicant provides a reasonable assurance that the apprentices to be trained will continue to work in their RA Program in NYS upon completion of the training;
 - b.) The applicant provides a reasonable assurance that at least 75% of OJT provided pursuant to this RFA will take place in NYS; and
 - c.) The applicant will provide adequate justification, as to be determined by NYSDOL, for any RI that takes place outside of NYS.
- 1.12) OJT Apprenticeship training will take place on company time and participants will be compensated at no less than their normal rate of pay while they are attending said training;
- 1.13) None of the training providers listed in the application, any consultant, or any other third-party has written or contributed wording to the application or solicited the applicant, as their customer, to apply for these monies (The use of a grant writer is acceptable, only if the applicant, and not the grant writer, commits to implementing the training/services listed in the application, if a grant is awarded.);
- 1.14) The apprentices targeted under this application will not be independent contractors or contract employees;
- 1.15) The applicant will comply with NYS labor law and Federal law for the protection of workers; and
- 1.16) As a condition of receiving funding under this solicitation, the applicant agrees to be in full compliance with all applicable state and federal rules and regulations including but not limited to those identified in this RFA and associated attachments, including any subsequent amendments, as well as the following regulations and cost principals:
 - a.) 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principals and Audit Requirements; and
 - b.) 2 CFR Part 2900 – DOL Exceptions to 2 CFR Part 200.

2. Program Design – 60 Points

A total of 60 points are available in scoring the Program Design part of the application. Applicants must fully answer each part of the elements provided in Grants Gateway and submit applicable attachments.

- 2.1) Provide a brief description of the business, or sponsoring entity, and its apprenticeship program. If this is a pending apprenticeship program, please indicate that here. (5 points)
- 2.2) Provide the number of employees for each participating business, including the number of skilled workers (journeyworkers) employed in the RA trades. (5 points)
- 2.3) Provide the number of apprentices to be trained, the occupations/trades in which they will be trained, and the O*NET codes for those occupations/trades (refer to [Section III.C.](#), above). Please Note: RAs in the field of Construction (O*NET Family Code 47) are not allowable trades/occupations under this AEG RFA unless the trade is to be used for the upkeep and maintenance of a facility owned by the business entity employing the apprentice, such as plant maintenance trades. (5 points)

- 2.4) Explain with clarity and specificity, the need for this proposed training program, and how it will benefit the applicant. (5 points)
- 2.5) Explain with clarity and specificity how this proposed training program will increase middle-skill jobs and expand the capacity of your workforce. (5 points)
- 2.6) Describe with clarity and specificity as to how this apprenticeship program will integrate into the “career ladder” for the apprentice (e.g., are there opportunities for long-term employment, opportunities for promotion?). (5 points)
- 2.7) Describe what, if any local, state, or federal funds (e.g., grants, American Apprenticeship Initiative (AAI), Empire State Apprenticeship Tax Credit¹, SUNY Apprenticeship funds, etc.) the applicant will leverage with this RFA, if applicable. (5 points)
- 2.8) Describe with clarity and specificity, each of the covered components of the apprenticeship training program for which the applicant is seeking reimbursement. (10 points)
 - 2.8.a) OJT – describe the training approach and the delivery of OJT (e.g., Time-Based, Competency-Based or Hybrid).
 - 2.8.b) RI – include the delivery method or timeframe (e.g., when RI is completed in relation to OJT – simultaneous, sequential, or front-loaded).
 - 2.8.c) Books – a complete list of text/workbooks is required.
 - 2.8.d) Tools – a complete description of the type and use of tools is required.
- 2.9) Describe with clarity and specificity, the method the applicant will use to measure program outcome, to be provided by end of grant (e.g., Blue Books, RI transcripts, portfolios, and enrollment status). (5 points)
- 2.10) Describe with clarity and specificity, how this apprenticeship training program connects to either one of the priority industries identified under this RFA (refer to [Section I.B.](#) above) (10 points), or another regional priority industry. (5 points)

3. Work Plan – 20 points

A total of 20 points are available in scoring the work plan/outcome timetable part of the application.

Utilizing the Grants Gateway system, applicants will define the objectives, tasks, and performance measures that will detail the proposed plan to ensure training and service activities as identified in the program design. Applicants can include a total of 30 objectives, tasks, and performance measures.

The applications must include the following:

¹ <https://dol.ny.gov/apprenticeship/options-apprenticeship-program-sponsors>

- a. The objectives of the proposed apprenticeship training program under this grant, as identified by the Training Outline for the trade (e.g., what will apprentices learn, be able to accomplish by the end of this grant). (10 points)
- b. The tasks/activities the applicant will use to achieve the objectives. (5 points)
- c. Describe how the applicant will use their performance measures (e.g., Blue Books, testing, evaluations, etc.) to assess whether apprentices have achieved the objectives under this grant. (5 points)

Please refer to the trades relevant training outline for guidance in developing the work plan. A list of active trades and their corresponding training outlines can be found at <https://dol.ny.gov/apprenticeship/apprenticeship-trades>.

4. Budget

A total of 20 points are available in scoring the Budget part of the application.

Requested funding must be directly related to the proposed apprenticeship training program. All proposed expenditures must be reasonable, necessary, and clearly related to the purposes and activities of the services as described in the “Program Specific Questions” section in Grants Gateway under the “Forms” menu.

1) Budget Worksheet

An overall budget for expending the funds and specifics on the costs for each type of training that will be offered (OJT and RI), must be furnished in Attachment BW ([Section VII](#)), as described below. The BW will be evaluated in accordance with the following:

- a. Overall Budget: The applicant will receive full points for this component if the budget provides, for each type of training being proposed, the amount of the grant funds being requested, the amount of contributions the applicant is making to the cost of training (please note that applicant contribution is only required for OJT), and the total amount the training will cost. (5 points)
- b. Training-Specific Budget (15 points)

- **OJT:** The applicant will receive full points for this component if all of the following information is clearly provided in the budget: the trade/occupation (and corresponding O*NET codes) of those to receive OJT, the number of openings for each apprenticeship program, the starting hourly wage of each apprentice, the hours of OJT per week, the number of weeks of OJT, the percentage of the apprentice’s wage rate to be reimbursed, and the total cost to the grant.

Please note that the maximum reimbursement rate for OJT under this RFA is 50 % of the wage rate of the apprentice for all businesses.

- If funding for tools directly associated with OJT is being requested, the budget must include sufficient detail to enable reviewers to determine how those costs were calculated.
- **RI:** The applicant will receive full points for this component if it provides two (2) comparison quotes from like programs on the tuition rate from training providers other than the selected training provider, which shows that a training provider with the lowest (or a comparable) tuition rate was selected. This information will document that the

costs of the selected RI program are reasonable and will be the basis for awarding points for this portion of the Budget review. The Eligible Training Provider List (ETPL), found at https://apps.labor.ny.gov/ETPL_V2/, can be used as a possible resource for obtaining comparison quotes.

If the Applicant has not provided the required number of comparison bids, then the applicant must provide a compelling justification for the reason(s) the training provider was selected. This justification will be reviewed by NYSDOL and may result in Budget points being awarded.

NYSDOL understands that RI must be conducted by the Applicant's approved RI provider under their NYS RA program, and that therefore it is possible that the selected training provider may not be the lowest cost provider. In the event that the selected training provider's costs cannot be documented as being reasonable, the Applicant will be reimbursed at the lowest tuition rate provided.

To calculate the cost as it relates to your RI, applicants must use a published tuition rate, if they have one. 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 in Section IX.

- **Indirect costs** (available only to group program sponsors or their lead applicants (i.e. those applicants who are designated by a sponsor of an active or probationary NYS RA group program) who do not directly provide RI or employ the apprentice for OJT purposes): Indirect costs are defined as costs that are not directly accountable to a particular RFA, contract, program function or activity, but are necessary for the general operation of the organization. Indirect costs may be either fixed or variable and may include administration, personnel and security costs. Some indirect costs may be overhead. Indirect costs for this funding opportunity may be reimbursed at the approved federally recognized indirect cost rate negotiated between the applicant and the Federal government if such a rate exists, and if no rate exists, then 10% of the modified total direct costs.

2) Detailed Budget Attachment

Applicants must also complete and submit the Detailed Budget Attachment (DBA) with their application. The DBA requests specific detail for each type of training proposed, and the allowable non-personnel costs associated with each training. This detail will be incorporated into the contract of successful Applicants.

If the application includes both types of training described above, a cost score will be calculated for each type and then pro-rated based upon its percentage of the overall funding request of the application. For example, if an applicant proposes 50% OJT and 50% RI, and provides all required budget information for OJT, but did not for RI, the cost score would be 7.5 points (OJT: 15 points x 50% = 7.5 points + RI: 0 points X 50% = 0 points).

If at any time prior to or after an award is issued the applicant reduces the number of apprentices to be served, the funding will be proportionately reduced. Note that the cost per apprentice calculated in the application may not be exceeded in resulting contracts.

During the Budget review process, NYSDOL will not remove any disallowed costs included in the Budget Section. However, during the award process and contract negotiations, if it is determined that ineligible costs were included in the application, those costs will not be included in the final contract.

C. Method of Selection

Applications must first meet all minimum eligibility requirements outlined in the Minimum 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 Budget (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 AEG-3 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.

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

Applicants that receive an award under this program, successfully serve at least 80% of the planned participants, and have expended at least 80% 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 in agreement with the cost per apprentice and hours of training indicated in the contract budget. 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. The Contractor must provide documentation that the service was provided. This documentation will be negotiated as part of the contract development process. NFP and Governmental entities that have a fully executed contract qualify for an advance of up to 25% of the contract amount. Details will be discussed during contract negotiations.

A Contractor will be required, if applicable, to complete an OJT application for each apprentice if they are requesting funding for any OJT. These applications will be completed during contract negotiations. For further details regarding the OJT application, see Attachment OJT in [Section VII](#) of the RFA.

Please be advised that project activities may not begin until after an award is made. This includes the completion of application reviews, due diligence being confirmed, awardees determined, and award letters being issued. The earliest start date for any contract resulting from this RFA is the date of the award letter. Any activity that begins or is paid for prior to the date of the award letter will fall outside the contract period and be ineligible for reimbursement.

Existing awardees under AEG-3 are eligible to apply for additional funding after successfully registering 80% of the planned number of apprentices into their NYS RA program as specified in their awarded contract, if sufficient funding and time remain.

Funds awarded under AEG-3 may be used to support apprentices enrolled under AEG-2, however when calculating the per apprentice cap of \$15,000, NYSDOL will include the per participant cap of \$10,000 under AEG-2 as well as additional funds awarded under AEG-3. Therefore, apprentices who were enrolled under AEG-2 cannot receive more than \$5,000 worth of training or assistance under AEG-3.

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 Comptroller’s website at www.osc.state.ny.us/epay/index.htm, by email at helpdesk@sfs.ny.gov, or by telephone at 855-233-8363. The Contractor acknowledges that it will not receive payment on any invoices submitted under this Contract if it does not comply with the 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. Federal and NYS Executive Orders

Please note that the Federal 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 VII](#) for further information.
- NYS Executive Order 16 – see [Section VII](#) for further information.

E. Reservation Clauses

NYSDOL, 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;
5. Amend the specifications after their release with appropriate notice to all Applicants;

6. Remove applications with unreasonable costs from award consideration;
7. 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;
8. 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;
9. Correct any arithmetic errors in any application;
10. Reject any and all applications received in response to this RFA;
11. Contact an Applicants' references as a check on qualifications;
12. Award contracts to more than one Applicant;
13. Negotiate with selected Applicant prior to contract award;
14. 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;
15. Make any payment contingent upon the submission of specific deliverables; and
16. Require that all offers are held open for a period of 120 days unless otherwise expressly provided for in writing.

VII. Attachments and Appendices

Applicants must acknowledge that they have reviewed the informational attachments and upload the required attachments in Grants Gateway.

Attachment Number	Document Title	Required to be completed and submitted via Grants Gateway?
BW	Attachment – Budget Worksheet	Yes
DBA	Attachment – Detailed Budget Attachment	Yes
CTC	Appendix – Combined Terms and Conditions – A-1 and A-2	No
VRAQ	Attachment – Vendor Responsibility – Applicant Questionnaire	Yes, with original signatures
LADF	Attachment – Lead Applicant Designation Form	Yes
NISA	Attachment – Notice to Individuals Submitting Applications	Yes, with original signature
TR	Appendix – Tuition Rate	No
OJT	Appendix – On-the-Job Training Application	No
MWBE	Appendix – Minority and Women-Owned Business Enterprises (MWBE) and Equal Employment Opportunity (EEO) Requirements and Procedures	No
MWBE – 1	Attachment – MWBE and EEO Policy Statement	Yes, with original signatures
MWBE – 2	Attachment – EEO 100 – EEO Staffing Plan	Yes, with original signatures
MWBE – 3	Appendix – EEO 101 – Workforce Utilization Report	No, required quarterly AFTER Contract award
MWBE – 4	Attachment – MWBE 100 – MWBE Utilization Plan	Yes, for Applicants requesting \$25,000 or more In grant funds, with original signatures
MWBE – 5	Attachment – MWBE 101 – Application for Waiver of MWBE Participation Goal	Yes, for Applicants requesting \$25,000 or more In grant funds and if MWBE participation is anticipated to be less than 30%, with original signatures
MWBE – 6	Appendix – MWBE 105 – MWBE Quarterly Compliance Report	No, required quarterly AFTER Contract Award
SDVOB	Appendix – Service-Disabled Veteran-Owned Business (SDVOB) Requirements and Procedures	No

SDVOB – 1	Attachment – SDVOB 100 – SDVOB Utilization Plan	Yes, for Applicants requesting \$25,000 or more In grant funds, with original signatures
SDVOB – 2	Appendix – SDVOB 101 – SDVOB Monthly Compliance Report	No, required monthly AFTER Contract Award
SDVOB – 3	Attachment – SDVOB 200 – Application for Waiver of SDVOB Participation Goal	Yes, for Applicants requesting \$25,000 or more In grant funds and if SDVOB participation is anticipated to be less than 6%, with original signatures
GISA	Appendix – General Information for Successful Applicants	No
GGPR	Appendix – Grants Gateway Prequalification Requirement	No
EO 177	Attachment – Executive Order (EO) 177 Certification	Yes, with original signatures
KC	Attachment – Key Contacts	Yes
EO 16	Attachment – Executive Order (EO) 16 Certification	Yes, with original signatures

Note: This workforce product is fully 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.