

REQUEST FOR APPLICATIONS

Reimagine Workforce Preparation (RWP)

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New York State Department of Labor
Division of Employment and Workforce Solutions
Harriman Office Campus
Building 12, Room 440
Albany NY, 12240

Submission Deadline:
December 30, 2022, by 4:00 PM New York State Time

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I. Funding Opportunity Description

A. Purpose

New York State (NYS) has been, and continues to be, severely burdened by COVID-19. NYS is faced with high numbers of COVID-19 related deaths, widespread mass layoffs, and historically high unemployment. The need to socially distance and reduce participant density has created an environment where students have limited access to face-to-face education and training programs, and in many cases have lost family sustaining wages from programs (e.g., apprenticeships) designed to allow them to earn while they learn. This has increased the demand for and underscored the importance of remote learning opportunities.

The purpose of this Reimagine Workforce Preparation (RWP) Request for Application (RFA) is to secure the services of eligible organizations that can assist the New York State Department of Labor (NYSDOL) in creating or expanding short-term education and training opportunities that help participants return to work, become entrepreneurs, or expand their small businesses.

For the purposes of this RFA, short-term educational program means a program that provides not less than 150, and not more than 600, clock hours of instructional time per participant over a period of not less than 8 weeks and not more than 15 weeks.

- If a program intends to train for the maximum of 600 hours, the program must be 40 hours per week and can be no longer than 15 calendar weeks.
- Short-term programs lead to certificates, badges, micro-credentials, licenses, and other workplace-relevant credentials; respond to the needs of businesses; and create opportunities for individuals to more rapidly prepare for, and over time adapt to, changing workplace needs.

These activities will assist businesses in addressing an insufficient supply of qualified workers in the wake of a pandemic, the likes of which our country has never seen, and will prepare workers with the occupational skills and credentials that businesses so desperately need. This cross-collaboration between businesses, workforce development entities, and job seekers will create a local talent pool with relevant occupational skills for in-demand occupations and provide a reliable talent pipeline to businesses during these unprecedented times.

B. Background

NYSDOL has received funding from the United States Education Department's (USED) Education Stabilization Fund – Reimagine Workforce Preparation (ESF-RWP) Discretionary Grants Program under the Coronavirus Aid, Relief, and Economic Security (CARES) Act to respond to the economic and workforce consequences resulting from the global coronavirus pandemic. ESF-RWP funding will support 100% of the awards made under the RWP RFA. This RFA has been designed to address the following gaps identified by NYS's Regional Economic Development Council (REDC) initiative:

- Lack of inventory of existing economic assets for training;
- A shortage of skilled workers and gaps in soft skills that prevent new workers from being successful;
- Lack of marketing/outreach to reach historically excluded populations;

- Lack of necessary support services to ensure success (e.g., childcare, transportation, and technology);
- Lack of knowledge of transitioning small business operations and training programs to digital/online environments, and shortages of technology to do so;
- Flexible programs that do not necessarily work towards a degree, and money to cover costs for students who would not be eligible for Pell or other financial aid;
- Bridge programs for those without a high school diploma or equivalent; and
- An increased need for apprenticeship or pre-apprenticeship opportunities.

Given NYS's wide geographic and economic diversity, there is no way to specifically target just one area of need in the wake of the COVID-19 crisis. To address this diversity of industries and economic demand, NYSDOL will work with workforce development partners statewide to identify industry-driven programs to train job seekers and help businesses to meet local employment needs.

To maximize funds and minimize time to launch, scoring priority will be given to applications that modify or scale existing programs with a track record of success rather than developing new programs. Because of the need for fast, responsive training programs, priority will be given to fast-to-market apprenticeship, pre-apprenticeship, or similar opportunities. This RFA will also provide NYS businesses and training providers with the flexibility to design programs that address economic and workforce development needs that do not exist at the present time.

Regional Economic Development Councils (REDCs)

The REDC initiative is a transformative approach to NYS investment and economic development. In 2011, ten (10) Regional Councils were established to develop long-term strategic plans for economic growth in their regions. The REDCs 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.

II. Award Information

A. Funding

Under this RFA, up to \$5.2M in ESF-RWP funding will be made available until December 30, 2022, to create or expand short-term education and training opportunities that help participants return to work, become entrepreneurs, or expand their small businesses. 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 be made with a minimum award amount of \$50,000 and a maximum award amount of up to \$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 by NYSDOL.

All awards are subject to funding availability.

B. Use of Funds

The RWP RFA is intended to fund eligible applicants ([Section III.A.](#)) to create, develop, implement, replicate, and/or scale short-term education programs and training courses.

Funds may be used to enlist the services of a training provider to deliver short-term education and training programs to students. Tuition charges and other fees may not be charged to the eligible participants served under this funding opportunity. Students cannot contribute to the cost of the training(s).

Trainings may take place outside of NYS; however, travel costs for such training must be paid by the applicant. Training can be principally delivered through distance education, but the student must be a NYS resident. The applicant must provide adequate justification for any training that takes place outside of NYS. Students cannot contribute to or otherwise reimburse the applicant for the cost of the training.

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.

Training funded by this RFA must be offered to participants free of charge and not as part of a scholarship or a tuition reimbursement program.

1. Allowable Costs under the RWP program include the following:

- Costs of short-term training programs calculated as the tuition rate of each course multiplied by the number of prospective students 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.
 - Note that only the costs of the Related Instruction (RI) portion of an apprenticeship program are allowable under this RFA. These costs can be calculated as the standard published tuition rate for RI multiplied by the number of apprentices in each course. If the RI portion of an apprenticeship is longer than 15 weeks, only the initial 15 weeks can be funded under this RFA.
- Books, tools, or other materials directly associated with training (e.g., uniforms, protective gear);
- Credentialing exam fees;

- Software required to deliver training with an acquisition cost of up to \$999; and
- Textbooks or training materials directly associated with the training, including electronic devices required for training (e.g., 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 (1) year. Applicants and awarded Contractors must document the long-term need for the item to demonstrate their benefit to programs, including, but not limited to:
 - Training longer than six (6) months (or another reasonable timeframe based on the length of the training).
 - 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;
 - 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 NYS 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; and
 - <https://ghsls.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 or tablet must be used to participate in the training.

2. Allowable Costs under Supportive Services

This RFA intends to fund supportive services for participants to help remove the barriers they face in successfully completing short-term education and training programs; 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 RFA include:

- Miscellaneous student expenses/supportive services to assist in removing barriers faced by unemployed or underemployed workers with regard to completing short-term education and training programs and entering employment or upgrading to a higher level of employment. Such costs must be directly attributable to students that are funded by this contract and not funded

by a third party on a referral basis. These costs may include but are not limited to childcare; dependent care; transportation; support accessing healthcare, including mental health; stable housing; food access; as well as any supportive services described in the United States Department of Labor's (USDOL) Employment and Training Administration (ETA) Training and Employment Guidance Letter (TEGL) No. [19-16](#);

- Incentives that encourage participants who meet benchmarks while participating in the program; and
- Stipends that provide monetary assistance for continued participation in the short-term education and training program.

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 short-term education and training program. Examples of supportive services strategies are detailed in [Section III.C](#).

3. Restrictions on Types of Trainings

RWP funding will only pay for the eligible costs identified in Use of Funds above ([Section II.B.](#)) in this RFA. The following types of trainings do not constitute short-term education and training 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;
- Standard training for new hires or annual employee training such as Human Resources training; Basic Safety training excluding OSHA 10 and OSHA 30; 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, and conflict resolution);
- Training required as part of a federal, state, or local government mandate;
- 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 (e.g., coaching, reinforcement, etc.) and any other training(s) that do not meet the intent of the RFA.

If an Applicant is unsure about unallowable trainings, they 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.E.](#)).

4. Restrictions on the Use of Funds

Other unallowable uses of RWP funding include:

- Participant wage reimbursement, including the on-the-job training portion of an apprenticeship program
- Training of undocumented workers;
- 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 (1) 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;
- Any item or cost that has also been paid for or contributed to by a participant;
- Transportation beyond 550 miles, lodging, and meal costs for relocating in-house or subcontracted trainers for the provision of the proposed program of training;
- Advertising (except for recruitment efforts);
- Entertainment;
- Interest costs incurred by provider agencies;
- Costs of organized fundraising;
- Registration fees;
- Conferences, seminars, and/or payment of fees associated with attendance at seminars, conferences, or meetings of professional organizations;
- Start-up costs and assessment costs on the part of the Applicant that are not built into the tuition rate; and/or
- Any other costs deemed inappropriate by NYSDOL and that do not meet the intent of the RFA.

C. 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 18 months. Applicants must include only the training opportunities that can be reasonably accomplished within an 18-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 the ESF-RWP's period of performance (which is currently scheduled to end September 29, 2023) unless extended by US ED.** 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, US ED or NYSDOL may conduct an independent evaluation of the outcomes and benefits of RWP funding. By accepting an award under this RFA, the Applicant agrees to participate in any such evaluation.

D. 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. Plan accordingly to avoid potential delays in applying for upcoming grant opportunities.**

NFP organizations must take the additional step of prequalifying by completing a basic profile and storing organizational documents. Both registration and prequalification must be completed by NFP organizations prior to submitting an application. Failure to do so will mean that their application will not be reviewed. NFP organizations will be able to submit their responses online, and once reviewed and approved by a NYS agency prequalification specialist, the NFP organization will be able to submit an application. All information is stored in a virtual, secured vault. NFP organizations must keep their information current throughout a three-year period, including uploading annual documents (e.g., 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/>.

E. 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).

F. Applicant Requirements

By submission of an application in response to this solicitation, Applicants agree with the Minimum Requirements section ([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 CTC is included as an attachment to this RFA but does not have sections that need to be completed by the Applicant. 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.

G. 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 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.

2. Equal Employment Opportunity Requirements

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

By submission of an application in response to this solicitation, the Applicant agrees with all of the terms and conditions of the Master Contract (MC) and the Combined Terms and Conditions (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 Executive Order #162 issued on January 9, 2017, 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 MWBE Quarterly Compliance Report (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; 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 SDVOB Waiver Request (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 Waiver Request (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.

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; 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 this RFA include Institutions of Higher Education (IHEs); Local Workforce Development Boards (LWDBs); business, trade*, and professional organizations; business development organizations; non-IHE postsecondary and business-based education and training providers; third-party work-based learning or apprenticeship intermediaries; and state, regional, and local public and private agencies, which:

- Have two (2) or more full-time employees or the equivalent of two (2) full-time employees. Principals of corporations, owners of businesses such as sole proprietors or partners are not considered to be employees for this eligibility requirement. If the Applicant has no employees or if the workers are independent contractors, subcontractors or contract employees, they are not eligible. However, if an Applicant leases its employees for payroll and tax reporting purposes, and has authority over the hiring, firing and scheduling of workers, they would be eligible for funding consideration;
- Are in good standing with regards 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 students for employment. The number of students cannot exceed the number of potential job openings.

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

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

*Note: While trade organizations are not eligible to apply for RWP funds on behalf of other organizations, they are eligible to apply on behalf of themselves.

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

Eligible Applicants must attest to the minimum threshold requirements as outlined in the Evaluation Criteria section ([Section V.B.](#)) of this RFA.

Separate operations or locations of an eligible Applicant may apply separately if they have different Federal Employer Identification Numbers (FEINs).

B. Participant Eligibility

Target populations for this program include displaced workers seeking gainful employment; new workers looking to enter jobs within in-demand industry sectors or occupations (as identified at the national, State or local level); unemployed or underemployed workers transitioning to new fields; and small business owners who need skills to create new businesses or grow current businesses and become more resilient. Individuals must be at least 18 years old.

Programs can be targeted to displaced workers and will prepare them with the skills necessary to immediately apply for employment in in-demand industry sectors. Outreach efforts will be further targeted to underserved/underrepresented populations.

The RWP program will provide additional points in scoring to applications indicating a plan to train individuals in priority populations. Priority populations are defined as individuals who meet the Workforce Innovation and Opportunity Act (WIOA) definition (WIOA sec. 3(24)) 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, for this RWP funding opportunity, NYSDOL recognizes the following individuals as having barriers to employment: Long term unemployed workers (defined as individuals who, at the time the RWP-funded program starts, have been unemployed for 20 weeks or more); Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) recipients; and Veterans.

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

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

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

C. Program Services

1. Short-term Education and Training Programs

Short-term educational programs are programs that provide not less than 150, and not more than 600, clock hours of instructional time per participant over a period of not less than 8 weeks and not more than 15 weeks.

- If a program intends to train for the maximum of 600 hours, the program must be 40 hours per week and can be no longer than 15 calendar weeks long.
- Short-term programs lead to certificates, badges, micro-credentials, licenses, and other workplace-relevant credentials; respond to the needs of businesses; and create opportunities for individuals to more rapidly prepare for, and over time adapt to, changing workplace needs.
- Short-term education and training programs may include career and employability skills development as well as job placement, job retention, and counseling in their tuition rates, and supportive services in the contracts but these activities cannot be stand-alone courses.

Applicants that do not have their own programs of training are encouraged to enter into contracts with IHEs, such as community colleges, or other eligible training providers to facilitate the training of multiple individuals in high-demand occupations. Training may be provided by the training providers on the NYS 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 program of training on the ETPL. For assistance, please email ETP@labor.ny.gov.

All proposed expenditures must be reasonable, necessary, and clearly related to the purposes and activities of the proposed program of training as described in the Program Design ([Section V.B.2](#)) in this RFA. NYSDOL reserves the right to ask for justification of proposed expenditures.

Short-term educational programs created or expanded under this program must lead to certificates, badges, micro-credentials, licenses, or other workplace-relevant credentials that respond to the needs of businesses or facilitate entrepreneurship. These items are defined in Section VII.

Applicants must make information on all credentials (including badges, certificates, certifications, licenses, and degrees of all levels and types) and competencies (knowledge, skills and abilities) achieved as a result of funding under this program publicly accessible using the Credential Engine credential registry. Such information must include the industry sector for or by which the credential was developed, the entities involved in the development of the credential, the competencies or skills assessed in awarding the credential, the form of assessment used to verify an individual's eligibility to be awarded the credential, and the body engaged in overseeing the awarding of such credentials. For more information on the registry, please go to <https://credentialengine.org/publish/>. NYSDOL will also provide information during contract development.

2. Business Engagement

Business engagement in the development of curriculum delivery and implementation ensures improved student outcomes and enhances the competitive edge for industry. This can include, but should not be limited to, business representatives as guest speakers or co-facilitators of training modules or business mentors strengthening student comprehension of the expectations of the workplace through one-on-one interactions. Applicants will be required to demonstrate business engagement in their short-term education and training programs 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 USDOLETA.

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.

3. Supportive Services

This RFA intends to fund supportive services for students to help remove the barriers they face in successfully completing short-term education and training programs; achieving industry-recognized credential(s), if applicable; and attaining employment or a higher level of employment. Further, Applicants must assess services needed by students to ensure successful outcomes and address the need for identified supportive services.

Strategies for providing supportive services should include but not be 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 students 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 students for services such as childcare, transportation, and housing (if providing these services, include detail on the services provided). Applicants may consider using the Employability Profile at JobZone – www.jobzone.ny.gov);
- Establishing a strong and meaningful referral system with partner agencies to ensure supportive services are available to students and follow up with agencies and students takes place regularly;
- Providing case management of students 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; and/or
- Maintaining regular contact with business(es) after hires are made to assist with any difficulties that may arise during the student's transition to the position.

If supportive service costs are budgeted, the Applicant must provide a full description of the strategies that will be used to offer supportive services and ensure that students are maintained in the short-term education and training program.

4. Target Geography

This RFA will promote availability of short-term education and training programs leading to employment of students in distressed communities by providing additional points during scoring to programs identified as serving rural areas or those communities designated as Federal Opportunity Zones. Applicants must determine which rural area or Federal Opportunity Zone the proposed program of training(s) will serve. If multiple areas/zones will be served, applicants are asked to identify one area/zone from which the majority of students will come. See the definition of rural area and Federal Opportunity Zone in Section VII.

5. Target Populations

As stated in [Section III.B.](#) of this RFA, applicants must select one or more target populations to serve. Additional points will be awarded to applications that serve one or more priority populations as well as the total percentage of students served in said priority populations.

6. Credentials

Short-term education and training programs 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.

Industry-recognized credential means a credential that verifies a person's qualifications or competence in performing specific skills or meeting specific industry performance requirements, and which employers rely upon in hiring and promotion decisions.

Micro-credential means certifications that verify an individual's competence in a specific skill or set of skills within an occupation, and that meet the requirements of an industry-recognized credential as defined above.

7. Career Centers and Career Services

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 students 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 students for the awarded training program

8. 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 WDTD.Onestop@labor.ny.gov. Questions regarding the RFA will be accepted through December 9, 2022. No telephone inquiries will be accepted. All inquiries should include the following reference in the Subject line: "NYSDOL Reimagine Program." Answers to all questions will be posted on an ongoing basis on the NYSDOL Funding Opportunities [webpage](#), with the final posting taking place no later than December 16, 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 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. In order to submit an application, applicants must be registered and logged in to the Grants Gateway as detailed in Section II.E.

In order 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 VIII) are listed below:

- 1) Business Engagement (BE)
- 2) Detailed Budget Attachment (DBA)
- 3) Cost Comparison Worksheet (CCW)
- 4) Vendor Responsibility – Applicant Questionnaire (VRAQ)
- 5) Executive Order (EO) 177 (EO)
- 6) Key Contacts (KC)
- 7) MWBE-EEO Policy Statement (MWBE-1)
- 8) EEO 100 – Equal Employment Opportunity Staffing Plan (MWBE-2)
- 9) Minority and Women Owned Business Enterprises (MWBE) Utilization Plan and Requirements (MWBE-4)
- 10) Application for Waiver of MWBE Participation Goal (MWBE-5)
- 11) Service-Disabled Veteran-Owned Business (SDVOB) Utilization Plan and Requirements (SDVOB-1)
- 12) Application for Waiver of SDVOB Participation Goal (SDVOB-3)
- 13) Executive Order (EO) 16 (EO)

All required documents must be completed and uploaded as attachments in Grants Gateway no later than the stated due date and time (4:00 PM NYS Time, December 30, 2022). Please note, that uploading blank, incomplete or unsigned attachments to the application may render the Applicant ineligible for funding consideration.

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 prior to the application submission deadline:

- 1) Document Vault Prequalified
 - i. Fully Prequalified
- 2) Document Vault Prequalified Open
 - i. If an organization proactively opens their 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 their 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 Applicant pre-qualification 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 – June 15, 2022
- Deadline Date for Questions – Ongoing as received, but no later than December 9, 2022
- Deadline Date for Responses to Questions – Ongoing as received, but no later than December 16, 2022
- Application Due Date – December 30, 2022
- Projected Notification of Awards – Ongoing as received

V. Application Review and Selection

A. Evaluation of Applications

A complete application, including the DBA and all attachments, must be submitted via Grants Gateway no later than December 30, 2022, by 4:00 PM New York State Time so that NYSDOL can conduct a full and proper evaluation. Failure to answer all questions in the application will jeopardize the Applicant's potential for funding. NYSDOL will make an initial eligibility determination on each application received. Applications deemed eligible will be scored based on further review and evaluation. Application scores will consist of 60% for program design, 20% for program cost and 20% for work plan. 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, Program Cost, and Work Plan described in the Evaluation Criteria section ([V.B](#)) of this RFA.

B. Evaluation Criteria

The Evaluation Criteria has four parts: Minimum Requirements; the Program Design (60 points); the Work Plan (20 points); and the Program Cost (20 points). Each is described below.

1. Minimum Requirements

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. Applicant must attest to each of the following:

- 1) Applicant is an Institution of Higher Education (IHE); Local Workforce Development Board; business, trade, and professional organization; business development organization; non-IHE postsecondary and business-based education and training provider; third-party work-based learning or apprenticeship intermediary; or State, regional, or local public or private agency;
- 2) 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) Applicant has two (2) or more 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) or the equivalent of two (2) full-time employees;
- 4) 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) Applicant agrees to submit reports to NYSDOL on an as needed basis for the purposes of meeting federal and state reporting requirements and understands such reporting may include identifiable information related to both the applicant and the student;
- 6) Applicant is or has partnerships with business(es) that commit to interview and consider students for employment. The number of students cannot exceed the number of potential job openings;
- 7) Applicant is responsible for recruiting unemployed and/or underemployed workers as defined in the RFA;
- 8) Applicant seeks to train eligible participants ([Section III.B.](#)) that reside in NYS;
- 9) Applicant will not charge or expect any student served under this proposed program of training to pay any tuition charges or other fees;

- 10) Applicant understands that all applicants should register in the Grants Gateway system (<https://grantsgateway.ny.gov>) before application submission;
- 11) Applicant understands that any short-term educational programs created or expanded under this opportunity must lead to certificates, badges, micro-credentials, licenses, or other workplace-relevant credentials that respond to the needs of employers or facilitate entrepreneurship;
- 12) Applicant understands that information on all credentials (including badges, certificates, certifications, licenses, and degrees of all levels and types) and competencies (knowledge, skills and abilities) achieved as a result of funding under this program must be publicly accessible through the use of the [Credential Engine credential registry](#) upon notice of award;
- 13) Applicant understands that, in addition to developing their own project-specific performance measures, that they must also submit federally required program-specific performance measures;
- 14) Applicant understands that all NFP organizations should prequalify before application submission and must be in an acceptable pre-qualification status in the Grants Gateway system (<https://grantsgateway.ny.gov>);
- 15) It is the intention of the applicant that the workers to be trained will either seek employment or higher level of employment in NYS upon completion of the training;
- 16) Applicant will comply with NYS Labor law and Federal law for the protection of workers; and
- 17) 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.

2. Program Design – 60 Points

Applicants must fully answer each part of the elements provided in Grants Gateway and submit applicable attachments.

Business Information (10 points)

- 1.1) Enter your Federal Employer Identification Number (FEIN). (0 points)
- 1.2) Indicate the exact number of students who will be trained under this application. (0 points)
- 1.3) All projects must track and report on Program Specific Measurements (also known as the Government Performance and Results Act [GRPA] Measures). These measurements are required.
 - 1.3.a) Indicate the percentage of students expected to complete the program (1 point);
 - 1.3.b) Indicate the percentage of individuals that are expected to be employed in the second quarter after exiting the program (1 point);
 - 1.3.c) Indicate the percentage of individuals employed in the second quarter after exit who are employed full-time in an occupation that is directly related to their program of study (1 point); and
 - 1.3.d) Provide the median earnings of individuals in (b) and (c) above. (1 point)

- 1.4) In the Business Engagement attachment (BE) provide the following for business(es) making commitments to interview the workers under the proposed short-term education and training program:
 - 1.4.a) Business Name and Contact Information (Contact person, address, telephone number, and email address) (1 point)
 - 1.4.b) Occupational title(s) of the occupation that the student(s) will be trained for (1 point)
 - 1.4.c) O*NET code of the occupation that the student will be trained for. The code must match the occupational title(s) or tasks to be performed by the student upon the completion of the training. For more information regarding O*NET codes, please refer to [Section III.C.4](#) of the RFA. Please see the OJZ Attachment, O*NET and Job Zone Code of Occupations, for details on obtaining the O*NET Code of each job title. (1 point)
- 1.5) Indicate the industry or industries to which the proposed program of training will serve. (3 points)

Target Geography (4 points)

- 2.1) Describe whether the program will provide services to hard-to-reach populations, such as those in rural areas. For more information on rural areas, see Section VII. (No participants will be from rural areas = 0 points; Some participants will be from rural areas = 1 point; All participants will be from rural areas = 2 points)
- 2.2) Describe whether the program will provide services to participants living in Federal Opportunity Zones. For more information on Federal Opportunity Zones, see [Section VII](#). (No participants will be from Federal Opportunity Zones = 0 points; Some participants will be from Federal Opportunity Zones = 1 point; All participants will be from Federal Opportunity Zones = 2 points)

Target Population (8 points)

- 3.1) Describe with clarity and specificity (e.g., citing local data sources and any other specifics), the characteristics of this application's target population. (2 points)
- 3.2) Describe with clarity and specificity, the outreach and recruitment strategies that will ensure participation by eligible participants. (2 points)
- 3.3) Indicate one or more priority population(s), if any, to be served under the proposed program of training. (If no priority population categories are selected, or the priority population category does not match the proposed program of training = 0 points; 1 priority population category selected and matches the proposed program of training = 1 point; 2 or more priority population categories selected and matches the proposed program of training = 2 points)
- 3.4) Provide the percentage of students who are part of a priority population ([Section III.B.](#)). (49.99% or less = 0 points; 50% to 79.99% = 1 point; 80% to 100% = 2 points)

Short-Term Education and Training Awareness (25 points)

- 4.1) Provide a brief summary of each short-term education and training program, including:

- 4.1.a) A description of the curriculum, including materials to be used and the duration for the proposed program (5 points);
- 4.1.b) A detailed description of the occupational skills to be acquired for each short-term education and training program (5 points);
- 4.1.c) Evidence of business and/or industry recognition of the curriculum with the name of the business/intermediary (3 points);
- 4.1.d) A detailed description of how the newly gained occupational skills will be assessed (3 points); and
- 4.1.e) A detailed description of how the newly gained occupational skills will help the student attain skills needed by business (3 points).
- 4.2) Describe with clarity and specificity how the short-term education and training program(s) created or expanded under this program will lead to certificates, badges, micro-credentials, licenses, or other workplace-relevant credentials that respond to the needs of businesses. (3 points)
- 4.3) Describe with clarity and specificity how the short-term education and training program(s) supported under this program create opportunities for individuals to more rapidly prepare for, and over time adapt to, changing workplace needs. (3 points)

Outcomes/Past or Planned (10 points)

- 5.1) Has the applicant provided a similar short-term education and training program in the past? If yes:
Provide the percentage of completers from prior applicant-sponsored short-term education and training programs that attained an industry-recognized credential. For a definition of industry-recognized credential see the Program Services section ([Section III.D.](#)) of this RFA. (If 50% or less = 0 points; 51.01% to 100% = 2 points).
- 5.2) Provide the average hourly wage the majority (51% or more) of students will receive upon completion of the short-term education and training program(s). (Minimum wage to \$12.00 = 0; \$12.01 to \$13.50 = 1 point; \$13.51 to \$14.99 = 2 points; \$15.00 and up = 3 points)
- 5.3) Describe with clarity and specificity the strategies the applicant will use to offer supportive services to ensure students are maintained in the short-term education and training program(s). (2 points)
- 5.4) Detail the plans for establishing or explain the existing partnership(s) with the New York State Career Center System, if applicable. (3 points)

Organizational Capacity/Experience (3 points)

- 6.1) How many years has the applicant offered similar short-term education and training program(s)? (1 year, 2 years or 3 or more years)? (No experience = 0 points; 1-2 years = 1 point; 3 or more years = 3 points)

3. Work Plan – 20 points

A total of 20 points will be available in scoring the proposed work plan.

Utilizing the Grants Gateway system, applicants will define the objectives, tasks, and performance measures that will detail the proposed plan to ensure training and service activities as identified in the Program Design.

Applicants can include a total of 30 objectives, tasks, and performance measures, which include the following:

- The objectives are realistic and align with activities as proposed in the Program Design;
- The tasks/activities 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); and
- Describe how the applicant will use their performance measures to assess whether students have achieved the objectives under this grant.

4. Program Cost – 20 Points

An applicant may receive up to 20 points for the Program Cost. All allowable costs requested from this RFA should be entered into the expenditure budget table in Grants Gateway. For a list of restricted use of funds, please see the Unallowable Training section ([Section II.B.](#)) of this RFA.

Requested funding must be directly related to the proposed 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.

Detailed Budget Attachment

Applicants must also complete and submit the Detailed Budget Attachment (DBA) with their application. The DBA requires specific detail for: the tuition costs of the short-term education and training program(s) (Training Costs); the allowed Non-Personnel Costs of books or training materials directly associated with the training; electronic devices for participants that need them to complete training (if not included in tuition); software required to deliver the training (distance learning fees) and/or credentialing exam fees; the miscellaneous trainee expenses, including supportive services costs; and the incentive/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 short-term education and 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, 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 Requirements section ([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 are exhausted. Eligible applicants that fail to attain a score of 70 points will be notified via letter and are eligible to revise their applications and re-apply 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 RWP 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 minimum 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 contract development staff.

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

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 grantee must first pay for incurred expenses and then submit a voucher to NYSDOL for reimbursement. Vouchers must be submitted to NYSDOL on the prescribed forms before payment is made. For cost reimbursements to be approved, certain records must be kept, and specific documents submitted. Successful applicants must provide documentation that the service was provided. This will include attendance records for each training session to document attendance and/or certificates of completion showing the participant completed all required elements of the training. Attendance sheets must include the Name of the Student, Signature of the Student, Signature of the Trainer, and Date and Hours of Training.

Expenditure reimbursement is based on individual participant attendance at the short-term education and training program(s). If the students attend up to and including 50% of the course, the reimbursement will be at the level of attendance achieved (e.g., individual student attends 30% of the course sessions, the reimbursement will be 30% of the tuition rate). For student 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 earliest start date for any contract resulting from this RFA is the date of the award letter. Any training that begins and/or is paid for prior to the date of the award letter will fall outside the contract period and be ineligible for reimbursement.

Electronic Payments – Payment for invoices submitted by the successful Applicant shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner’s sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The successful Applicant 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, by email at helpdesk@sfs.ny.gov, or by telephone at 855-233-8363. The successful Applicant 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 the 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 Executive Orders:

- Executive Order 13513 – Sec. 4. Text Messaging While Driving by Government Contractors, Subcontractors, and Recipients and Sub-recipients. Successful Applicants, 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.
- NYS Executive Order 177 – See Section VIII for further information.
- NYS Executive Order 16 – See Section VIII for further information.

E. 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 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 grantee unable or unwilling to begin conducting their training activities immediately following contract execution. No Applicant will have any rights against NYS DOL 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. **Short Term Education Programs** – A program that provides not less than 150, and not more than 600, clock hours of instructional time per participant over a period of not less than 8 weeks and not more than 15 weeks. Short-term programs lead to certificates, badges, micro-credentials, licenses, and other workplace-relevant credentials; respond to the needs of businesses; and create opportunities for individuals to more rapidly prepare for, and over time adapt to, changing workplace needs.
2. **Rural Area** – A community is rural if the community meets qualifications for rural applicants established in section 114(e)(5)(A) of Perkins V, and the applicant certifies that it meets those qualifications in its application.
3. **Federal Opportunity Zone** – Opportunity Zones must be census tracts designated by the Secretary of the Treasury under section 1400Z-1 of the Internal Revenue Code. An applicant must provide the census tract numbers of the Qualified Opportunity Zone(s) in which it proposes to provide services.
4. **Industry Recognized Credential** – A credential that verifies a person's qualifications or competence in performing specific skills or meeting specific industry performance requirements, and which employers rely upon in hiring and promotion decisions.
5. **Micro-credential** - Certifications that verify an individual's competence in a specific skill or set of skills within an occupation, and that meet the requirements of an industry-recognized credential as defined above.
6. **Distance Education** – The use of technologies to deliver instruction to students who are separated from the instructor or instructors and to support regular and substantive interaction between the students and instructor or instructors, either synchronously or asynchronously.
7. **In-demand Industry Sector** – An industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors.
8. **Industry Recognized Apprenticeship** – A high-quality apprenticeship program, wherein an individual obtains workplace-relevant knowledge and progressively advancing skills, that include a paid-work component and an educational or instructional component, and that result in an industry recognized credential.
9. **Pre-Apprenticeship** – A program or set of services designed to prepare individuals to enter and succeed in a Registered Apprenticeship program or an Industry Recognized Apprenticeship Program and has a documented partnership with at least one Registered Apprenticeship or Industry Recognized Apprenticeship program.
10. **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.

VIII. Attachments and Appendices

Acronym	Document Title	Required to be completed and submitted via Grants Gateway?
BE	Business Engagement	Yes, Excel format
DBA	Attachment – Detailed Budget Attachment	Yes, Excel format
CCW	Attachment – Cost Comparison Worksheet	Yes, PDF format
VRAQ	Attachment – Vendor Responsibility– Applicant Questionnaire	Yes, with original signatures
EO 177	Attachment – Executive Order (EO) 177 Certification	Yes, with original signatures
EO 16	Attachment – Executive Order (EO) 16 Certification	Yes, with original signatures
KC	Attachment – Key Contacts	Yes
TR	Appendix – Tuition Rate	No
GGPR	Appendix – Grants Gateway Prequalification Requirement	No
OJZ	Appendix – O*NET and Job Zone Information	No
DPP	Appendix – Determining Priority Populations	No
MWBE	Appendix – Minority and Women-Owned Business Enterprises (MWBE) and Equal Employment Opportunity (EEO) Requirements and Procedures	No
MWBE-1	Attachment – MWBE-EEO Policy Statement (Fillable)	Yes, with original signatures
MWBE-2	Attachment – EEO 100 – Equal Employment Opportunity Staffing Plan	Yes, with original signatures
MWBE-3	Appendix – EEO 101- Workforce Utilization Report	No, required quarterly AFTER Contract Award
MWBE-4	MWBE 100 – MWBE Utilization Plan	Yes, for Bidders requesting \$25,000 or more in grant funds, with original signatures
MWBE-5	MWBE 101 – Application for Waiver of MWBE Participation Goal	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, with original signatures
MWBE-6	Appendix - MWBE 105 – MWBE Quarterly Compliance Report	No, required quarterly AFTER Contract Award
SDVOB	Appendix – Service-Disabled Veteran-Owned Businesses	No
SDVOB-1	Attachment – SDVOB 100 – SDVOB Utilization Plan	Yes, for Bidders 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	SDVOB 200 – Application for Waiver of SDVOB Participation Goal	Yes, for Bidders requesting \$25,000 or more in grant funds and if SDVOB participation is anticipated to be less than 6%, with original signatures
CTC	Appendix – Combined Terms and Conditions – A-1 and A-2	No
GISBA	Appendix – General Information for Successful Bidders/Applicants	No
SCNYS	Appendix – Standard Clauses for all NYS Contracts	No
MC	Appendix – Master Contract, Terms & Conditions	No
TIF - 1	Trainee Information Form – Part 1	No
TIF-PS	Trainee Post-Training Survey	No

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