

# **REQUEST FOR APPLICATIONS**

**New York State Department of Labor (NYSDOL) Workforce Development  
Training (WDT) Program**

**Employee Retention and Advancement Training (ERAT)**

Issued on  
**May 3, 2024**

**NYSDOL**  
Division of Employment and Workforce Solutions  
Harriman Office Campus  
Building 12, Room 440  
Albany NY, 12226

Submission Deadline:  
**Ongoing, but no later than 4:00 P.M. EST on August 2, 2024**

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## I. Funding Opportunity Description

### A. Purpose

The purpose of this Employee Retention and Advancement Training (ERAT) Request for Applications (RFA) is to provide occupational skills training, commensurate with regional priorities, to incumbent workers who are currently in low and middle-skills occupations, leading to job advancement and retention.

### B. Background

Building on the eight-year success of the New York State (NYS) Consolidated Funding Application (CFA) for economic development, the CFA Workforce Development Initiative (WDI) was established in 2019 to support strategic regional efforts that met businesses' short-term workforce needs, improved regional talent pipelines, expanded apprenticeships, and addressed the long-term needs of expanding industries. This investment strategy focused on emerging fields such as clean energy, health technology, and computer science, that have a growing demand for jobs. The New York State Department of Labor (NYSDOL) participated in the three (3) rounds of this initiative until it was fully phased out in June 2023. The NYSDOL programs that fell under CFA WDI will continue to be administered outside of that process, including through this solicitation.

NYSDOL is offering three (3) WDT funding opportunity programs, which will be applied for through the Statewide Financial System (SFS):

1. Employee Retention and Advancement Training (ERAT);
2. Reemployment Training Grant (RTG); and
3. Worker Readiness Training (WRT).

This ERAT Program replaces our Existing Employee Training (EET) program that fell under CFA WDI.

## II. Award Information

### A. Funding

Under NYSDOL's WDT programs, a total of \$25M in federal Workforce Innovation and Opportunity Act (WIOA) funding is being made available to provide occupational and/or work readiness skills training courses commensurate with regional priorities. Of the \$25M total available funding, \$5M of the funds will be dedicated to the WRT program and the remaining \$20M will be available for the RTG and ERAT programs. Funding for the RTG and ERAT programs will be available on a first-come, first-serve basis.

The ERAT Program will provide funding for training for incumbent workers of the Applicant who are currently employed in low or middle-skills occupations, as defined in the Program Services Section ([III.C.](#)) and [Section VII](#) of this RFA. Additional funding may be made available at a later date, depending on program need and the continued availability of funding. Any potential amendments to this RFA, including additional funding being made available, will be posted on NYSDOL's website and in the NYS Contract Reporter. Applications will be accepted and reviewed on an ongoing basis at any time while this funding opportunity is available. Unsuccessful Applicants have the option to modify their application and re-submit if funding and time remain.

ERAT awards may not exceed \$100,000 for Applicants with 2-50 employees; \$200,000 for Applicants with 51-100 employees; or \$300,000 for Applicants with 101 or more employees. Applications that request more than the maximum funding amount will be reviewed and scored by NYSDOL. If the application is awardable, NYSDOL will proportionately reduce the project funding at the time of award to fit within the maximum funding amount. Applications unable to remain viable with the reduced funding will not proceed to contract execution. Therefore, it is highly recommended that Applicants keep the cost and scope of applications within the maximum award amount.

Applicants must draft their funding requests as stand-alone occupational skills training. The application must not be based in whole or in part on the assumption they will receive complementary funding from other programs. The amount of funding requested of NYSDOL must be calculated based on the number of incumbent workers to be trained. There is no minimum award amount per trainee under the ERAT Program.

It is expected the Applicant will conduct an assessment of training needs of the incumbent workers prior to submitting an application. If the Applicant reduces the number of individuals to be trained at any time prior to or after an award is issued, the requested level of funding will be proportionately reduced by NYSDOL.

All awards are subject to funding availability.

## **B. Use of Funds**

The ERAT Program funds occupational skills training for incumbent workers of the Applicant who are currently employed in low or middle-skills occupations, as defined in the Program Services Section ([III.C.](#)) and [Section VII](#) of this RFA. There is no maximum cost per trainee under this RFA; Applicants may request as much funding as necessary per trainee within the applicable maximum award amount.

Training funded through the ERAT Program is intended:

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

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

- The costs of outside vendors or in-house trainers to provide on-site or off-site classroom training.
  - Training provided by in-house staff of the Contractor may not be billed to NYSDOL at a per trainee rate. The ERAT Program will only reimburse the actual hourly wage rate (salary only, no fringe benefits) of the in-house trainer while engaged in hours of classroom training provision. Training by the in-house staff must be for a minimum of two (2) trainees per course.
  - While outside vendors can bill to the Contractor at a per trainee rate, or at an hourly, weekly, or per course rate, ERAT Program reimbursement will be based off of a budgeted per trainee rate times the actual number of attending trainees;
- Textbooks or training materials directly associated with the training;

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

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

For Applicants also applying for RTG and/or WRT funding in addition to ERAT funds, please note that funds cannot be combined for use for the same trainees. Each group of trainees must remain separate and distinct and be trained solely under one (1) NYSDOL program.

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

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

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

All proposed expenditures must be reasonable, necessary, and clearly related to the purposes and activities of the project as described in the Program Design ([Section V.B.2](#)). NYSDOL reserves the right to ask for justification of proposed expenditures and cost per trainee, both prior to award and during contract development.

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

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

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

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

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

### 3. Restrictions on the Use of Funds

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

- Training of undocumented workers;
- Hardware (i.e., laptops/tablets) that may be required to access online or distance learning instruction;
- The acquisition, construction, or renovation of buildings or other real estate;
- The purchase of any equipment;
- The purchase of operational software not directly associated with the training (the determination of being directly associated with the training is at NYSDOL’s discretion);
- Administrative costs, direct and indirect. This RFA does not involve a sub-recipient relationship between the Applicant and NYSDOL, which makes payment of indirect costs unwarranted in this situation;
- Other employee coverage while trainee attends training;
- Support services such as childcare, transportation, lodging, and meals for the trainees;
- Any itemized transportation, lodging, and meal costs for relocated in-house or subcontracted trainers for the provision of the proposed training program based on the General Services Administration (GSA) and the Office of State Comptroller (OSC) guidance. Outside

subcontracted training providers only may factor such costs if necessary, into their overall classroom training fees;

- Advertising;
- Entertainment;
- Interest costs incurred by provider agencies;
- Costs of organized fundraising;
- Conferences, seminars, or payment of fees associated with attendance at seminars, conferences, or meetings of professional organizations;
- Start-up costs, curriculum development, and assessment costs on the part of the Applicant and/or the training provider;
- Purchase of videos; and
- Any other costs deemed inappropriate by NYSDOL and that do not meet the intent of the RFA.

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

Per Section 680.820 of the WIOA regulations, Applicants funded under the ERAT RFA are required to pay for a portion of the costs of their training program using leveraged funds. The level at which Applicants are required to contribute is based on the Applicant's size, in terms of the number of employees, at the time of application submission. The amount the Applicant is required to contribute is at least:

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

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

Only wages paid to trainees while participating in training and training costs (tuition paid to an outside training provider or the cost of the in-house trainer's wages while providing the hours of training) may be used toward satisfying the leveraged funding requirement.

Leveraged funding, based on the number of Applicant employees, must be indicated in the [Detailed Budget Attachment \(DBA\)](#).

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

### **D. Contracts**

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

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

Initial contracts resulting from this solicitation will be awarded for a period of up to one (1) year. Applicants must include only the training opportunities that can be reasonably accomplished within a one-year time period. All activities funded by the contract must end on or before the end date of the contract and any activities that occur after the contract end date are not eligible for reimbursement under the contract.

Once a contract is developed and formally executed, the successful Applicant will be considered a NYSDOL Contractor. Funds will be released to the Contractor on a cost reimbursable basis. This means that a Contractor must first pay the expenses and then submit a voucher to NYSDOL for reimbursement. Vouchers must be submitted to NYSDOL on the prescribed forms before payment is made. For cost reimbursements to be approved, certain records must be kept, and specific documents submitted at intervals specified by NYSDOL. Additional details on reimbursement and payment are outlined in the Payment Section ([VI.B.](#)) of this RFA.

Contracts may be renewed for one (1) additional one-year period at the discretion of NYSDOL. Contractors can provide the same training courses to different trainees or different training courses to the same trainees. At the end of the initial 12-month contract period, Contractors will be contacted by NYSDOL and asked to submit a budget for year two (2) of their program, if they plan on requesting a one-year renewal.

Please note that NYSDOL must adhere to NYS Prompt Contracting Law timeframes for executing contracts awarded to not-for-profits (NFP) entities. One of the provisions of the law allows for interest payments when contract payments are late due to untimely processing of contracts. However, if there are delays in the contract process on the part of the Contractor, Suspension of Prompt Contracting timeframe letters may be issued to render the Contractor ineligible for interest for the number of days of delay.

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

## **E. Contracting Process**

In January 2024, NYS transitioned all grantmaking activities from Grants Gateway to SFS. Applicants are required to register in SFS to enter into a contract with NYS. To register an organization, Applicants must send a complete [Grants Management Registration Form for Statewide Financial System \(SFS\) Vendors](#) and accompanying documentation where required by email to [grantsreform@its.ny.gov](mailto:grantsreform@its.ny.gov).

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 annually, including uploading documents (i.e., 990, etc.).



For additional information on registration and prequalification, please log on to the SFS Grants Management website at <https://grantsmanagement.ny.gov/register-your-organization-sfs> (registration) or <https://grantsmanagement.ny.gov/get-prequalified> (prequalification).

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

- Hours of Operation: Monday through Friday, 8:00 A.M. to 4:00 P.M. NYS Time;
- Phone Number: (518) 457-7717 or (855) 233-8363 (toll free);
- Email: [helpdesk@sfs.ny.gov](mailto:helpdesk@sfs.ny.gov); and
- Grants Management Website: <https://grantsmanagement.ny.gov/>.

## **F. NYSDOL’s Responsibilities**

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

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

## **G. Applicant Requirements**

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

Applicants must comply with the Combined Terms and Conditions ([CTC](#)), which will be incorporated into the Master Contract ([MC](#)) of successful Applicants. These terms and conditions are included with no sections to be filled in. The process of downloading and uploading the CTC document confirms for NYSDOL that the Applicant has received, reviewed, and accepts the content of the document.

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

## **H. Participation Requirements**

### **1. Business Participation Opportunities for Minority and Women-owned Business Enterprises (MWBEs)**

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

For purposes of this solicitation, NYSDOL has determined that the Contract does not offer sufficient opportunities to set specific goals for participation by MWBEs as subcontractors, service providers, and suppliers to Applicant. NYSDOL hereby establishes an overall goal of 0% for MWBE participation, 0% for NYS certified minority-owned business enterprises (“MBE”) participation, and 0% for NYS certified women-owned business enterprises (“WBE”) participation (based on the current availability of MBEs

and WBEs). Nevertheless, Applicants are encouraged to make good faith efforts to promote and assist in the participation of MWBES on Contracts. The directory of NYS Certified MWBES can be viewed at <https://ny.newnycontracts.com/>.

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

## **2. Equal Employment Opportunity Requirements (EEO100)**

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

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

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

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

Pursuant to Executive Order #6, which continues former Governor Andrew M. Cuomo's Executive Order #162 issued on January 9, 2017, Contractors and subcontractors will also be required to report the gross wages to each of their employees for the work performed by such employees on the contract utilizing the EEO 101 (MWBE-3) form on a quarterly basis.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other NYS and Federal statutory and constitutional non-discrimination provisions, the Contractor and subcontractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, gender identity or gender expression, 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.

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 Service-Disabled Veteran-Owned Businesses (SDVOBs)**

Veteran's Services Law article 3 of the NYS Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"), thereby further integrating such businesses into NYS's 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/Contractors are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

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

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

## **III. Eligibility Information**

### **A. Applicant Eligibility**

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

- Need occupational skills training course(s), which can be completed in one (1) year or less, in order for the employees in low and middle-skills occupations to attain or retain positions in middle-skills occupations. For this RFA, the skill level of occupations will be determined based on JobZone's list of occupations in the Occupational Information Network (O\*NET). For details on the skill level of occupations, see the Program Services Section (III.C.) of this RFA;
- Have two (2) or more full-time employees or the equivalent of two (2) full-time employees throughout the duration of the contract. Principals of corporations and owners of businesses such as sole proprietors or partners in partnerships, are not considered to be employees for this eligibility requirement. Cooperative owner employees who do not serve on the board of directors are considered employees for this eligibility requirement. An Applicant is not eligible to apply if it has no employees or if the workers are independent contractors, subcontractors, or contract employees. However, if an Applicant leases its employees for payroll and tax reporting purposes, and has authority over the hiring, firing, and scheduling of workers, it is eligible for funding consideration; and
- Are in good standing with regard to the laws, rules, and regulations for: Unemployment Insurance (UI), Worker Adjustment and Retraining Notification Act (WARN), Public Work, Labor Standards, Safety and Health, NYS Department of State Division of Corporations, Workers Compensation Insurance, and Disability Insurance.

ERAT funds are separate from any other workforce development funding an Applicant may have received from NYSDOL. Applicants with existing or pending contracts with NYSDOL remain eligible to apply for funding under this ERAT RFA, but the application must not propose the same services to the same individuals as the existing or pending NYSDOL contract(s). The payments requested from awarded contracts under this RFA cannot duplicate reimbursement that is requested or received from other sources of funding. Additionally, local On-the-Job Training (OJT) funds cannot be used alongside ERAT funds.

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

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

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

An Applicant and its components are only eligible for one (1) award at a time under this RFA (see [Section VI.A.](#) for more information on when Applicants that have already received funding are eligible for an additional award), not one (1) per location, and are subject as a whole to the funding limitations described in this RFA. Separate operations or locations of an eligible Applicant may apply separately if they have different Federal Employer Identification Numbers (FEINs). However, NYSDOL will also have to confirm that all such branches, locations, and companies are not part of a greater whole.

## **B. Trainee Eligibility**

Incumbent workers of the Applicant are eligible trainees under this RFA, if they are working:

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

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

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

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

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

If a participant assigned male at birth is between the ages of 18 and 26, they may register online at <https://www.sss.gov/register/> and provide their registration number on the Trainee Information Form. If a participant assigned male at birth is not registered and is 26 years of age or older, they must sign an Attestation stating that their 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/faq/#who-needs-to-register>.

### C. Program Services

#### 1. O\*NET Codes, JobZones, and Skill Level of Occupations

The Occupational Information Network (O\*NET), found online at <http://www.onetonline.org/>, is an interactive application for exploring and searching occupations and their distinguishing key features. O\*NET provides a universal classification of more than 900 occupations with key features required by workers, such as: tasks performed, knowledge, abilities, skills, typical education, and work experience. O\*NET also provides information on wages and employment prospects of each occupation. O\*NET is developed under the sponsorship of the USDOL’s Employment and Training Administration (ETA). For further information regarding O\*NET, please refer to [Section VII](#) of this RFA.

Applicants must utilize O\*NET to identify middle-skills positions as targeted by this funding opportunity. Five (5) JobZones from O\*NET help identify low, middle or high-skills occupations based on the levels of education and training connected to occupations. This information is summarized in Table 1. Detailed information about the JobZones may be found at [https://www.onetonline.org/help/online/zones/?\\_sm\\_au=iVV8kWZnSq4MRMWj](https://www.onetonline.org/help/online/zones/?_sm_au=iVV8kWZnSq4MRMWj).

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

Skill Level of Occupation	JobZone Based on O*NET	Preparation Needed to Work in the Occupation	Eligible Trainee under this RFA
Low skills	1 and 2	Some, little or no preparation needed (typically requires high school education or less)	Yes

Middle skills	3	Medium preparation required (typically requires more than high school education, training in vocational schools, related on-the-job experience, or an associate degree but less than a bachelor's degree)	Yes
High skills	4 and 5	Considerable to extensive preparation needed (typically requires a bachelor's degree or more than a bachelor's degree)	No

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

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

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

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

**2. Career Development and Credentials**

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

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

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

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

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

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

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

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

Applicants that align their proposed occupational skills training program with the priorities outlined in WIOA Regional Workforce Plans regarding priority industries and sector strategies will be awarded additional points in scoring. Regional Plan Modifications from 2023 may be found at <https://dol.ny.gov/workforce-development-plans>. Priority industries by region from the Regional Plans can be found on the NYSDOL Labor Market Information for Workforce Planning webpage (<https://dol.ny.gov/lmi-workforce-planning>).

### **4. 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 NYS servers, where only authorized individuals can access the necessary information and where data is protected by high-level security settings administered by the NYS Office of Information Technology Systems (ITS).

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

## **IV. Process for Application Submission**

### **A. Questions Concerning this RFA**

Applicants may submit questions via electronic mail to [CFA@labor.ny.gov](mailto:CFA@labor.ny.gov). Questions regarding the RFA will be accepted on an ongoing basis, but no later than July 12, 2024. No telephone inquiries will be accepted. All inquiries should include the following reference in the Subject line: "ERAT Question." Answers to all questions will be posted on the NYSDOL Funding Opportunities [website](#) on an ongoing basis, but no later than July 19, 2024.



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

Eligible Applicants may speak with a NYS Career Center Business Services Representative (BSR) for technical assistance or support during the development of the proposed training program. BSRs contact information may be found at the following link: [Contact Business Services | Department of Labor \(ny.gov\)](#).

## **C. Application Due Date**

The completed application with all required attachments will be accepted on an ongoing basis through SFS until 4:00 pm EST on August 2, 2024. SFS 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.).

## **D. Application Submission Instructions and Format**

Interested parties must apply online via the SFS website at: [https://esupplier.sfs.ny.gov/psc/fscm/SUPPLIER/ERP/c/NUI\\_FRAMEWORK.PT\\_LANDINGPAGE.GBL?&](https://esupplier.sfs.ny.gov/psc/fscm/SUPPLIER/ERP/c/NUI_FRAMEWORK.PT_LANDINGPAGE.GBL?&).

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

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

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

- 1) Master Training List (MTL) – Excel format;
- 2) Detailed Budget Attachment (DBA) – Excel format;
- 3) Cost Comparison Worksheet (CCW) – Word format;
- 4) Key Contacts (KC) – Excel format;
- 5) Application for Competitively Bid Contract (ACBC) – Signed and in PDF format;
- 6) Vendor Responsibility – Applicant Questionnaire (VRAQ) – Signed and in PDF format;
- 7) NYS Executive Order 177 Certification (EO) – Signed and in Word format;
- 8) NYS Executive Order 16 Certification (EO 16) – Signed and in PDF format;
- 9) MWBE and EEO Policy Statement (MWBE-1) – Signed and in Word format; and
- 10) EEO Staffing Plan (MWBE-2) – Signed and in Word format.

The required attachments can be found in SFS in the WDT ERAT Program under Event Comments and Attachments, and must be attached to the corresponding question in the event.

In addition, the following informational attachments can also be found in the WDT Program ERAT event in SFS under Event Comments and Attachments:

- 1) Appendix – Employee Retention and Advancement Training Grant Request for Application;



- 2) Appendix – SFS Prequalification Requirement;
- 3) Appendix – O\*NET and Job Zone Information;
- 4) Appendix – WIOA Partner Contact Information;
- 5) Appendix – Standard Clauses for all NYS Contracts;
- 6) Appendix – Combined Terms and Conditions;
- 7) Appendix – General Information for Successful Bidders/Applicants;
- 8) Appendix – Master Contract; and
- 9) Appendix – WIOA References.

## **E. SFS Registration and Prequalification Status**

As indicated in [Section II.E.](#) of this RFA, all interested parties must be registered in SFS prior to application submission and all non-governmental NFP Applicants must be designated as prequalified prior to application submission. SFS NFP applicants whose status is not prequalified prior to application submission will receive an error message when trying to submit grant applications.

If awarded, a prequalified NFP Contractor must maintain prequalification status during the contract period. The organization will be given an opportunity to submit documents and information to Grants Management in order to maintain or regain prequalification status.

For more information about SFS and Prequalification, please visit the Grants Management website <http://grantsmanagement.ny.gov> or contact the Grants Management Team at: [grantsreform@its.ny.gov](mailto:grantsreform@its.ny.gov). The Grants Management help desk/hotline can be reached at (518) 457-7717 or (855) 233-8363 (toll free).

NYSDOL will consider any application not meeting the registration or non-governmental NFP Applicant prequalification requirements prior to application submission to be non-responsive.

## **F. RFA Timetable**

- RFA Release Date – May 3, 2024
- Deadline Date for Questions – Ongoing, no later than July 12, 2024
- Deadline Date for Responses to Questions – Ongoing, no later than July 19, 2024
- Application Due Date – Ongoing, no later than 4:00 P.M. EST on August 2, 2024
- Projected Notification of Awards – Ongoing as received.

## **V. Application Review and Selection**

### **A. Evaluation of Applications**

A complete application, including the DBA and all other required attachments, must be submitted via SFS so that NYSDOL can conduct a full and proper evaluation. Failure to answer all questions in the application will jeopardize the Applicant's potential for funding. NYSDOL will make an initial eligibility determination on each application received. Applications that do not meet NYSDOL minimum eligibility requirements will be disqualified. Applications deemed eligible will be scored based on further review

and evaluation. Application scores will consist of 65% for Program Design, 15% for Work Plan, and 20% for Program Cost. Scoring of technical merit will award points based on a “criteria met” or “criteria not met” scale. NYSDOL reserves the right to make no awards.

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

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

## **B. Evaluation Criteria**

The Evaluation Criteria has four (4) parts: Minimum Requirements; Program Design; Work Plan; and Program Cost. The evaluation of the application will consist of a review of each part independently.

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

### **1. Minimum 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. Applicants must attest to each of the following:

- 1) Applicant is a private sector for-profit entity, such as a corporation, LLC, or LLP; or a private sector not-for-profit (NFP) entity;
- 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 and will continue to have two (2) or more full-time employees or the equivalent of two (2) full-time employees throughout the duration of the contract (these equivalent employees may work part-time as long as it is a permanent, year-round position whose work performance is integral to the service or product provided by the business and who is economically dependent on the business);
- 4) 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 NYS reporting requirements and understands such reporting may include personally identifiable information related to both the Applicant and the Trainee;
- 6) The application was developed by the Applicant after it conducted an assessment of its training needs of employees in low and middle-skills occupations;

- 7) The trainees targeted under this application are incumbent workers of the business, not independent contractors, or contract employees;
- 8) Training will take place on company time and trainees will be paid wages at no less than their normal rate of pay while they attend training;
- 9) Applicant will not charge or expect any trainee served under this proposed training program to pay any tuition charges or other fees;
- 10) Applicant understands that all Applicants must register in SFS before application submission;
- 11) Applicant understands that all non-governmental NFP organizations must prequalify before application submission and must be in an acceptable pre-qualification status in SFS;
- 12) It is the intention of the Applicant that the employees to be trained will continue to work in NYS upon completion of the training;
- 13) None of the funds being requested under this application will be used in the relocation of employment from facilities in other locations which will result in an employee losing their job at the original location;
- 14) Applicant will comply with NYS Labor law and Federal law for the protection of workers; and
- 15) If awarded, job openings that occur during the contract period will be listed with the NYSDOL Job Bank. To place a job order, visit:  
<https://www.labor.ny.gov/businessservices/services/perm.shtm>.

Applicants must complete and upload each of the following required application [attachments](#) as listed below:

- 1) Master Training List – Excel format;
- 2) Detailed Budget Attachment (DBA) – Excel format;
- 3) Cost Comparison Worksheet (CCW) – Word format;
- 4) Key Contacts (KC) – Excel format;
- 5) Application for Competitively Bid Contract (ACBC) – Signed and in Word format;
- 6) Vendor Responsibility – Applicant Questionnaire (VRAQ) – Signed and in Word format;
- 7) NYS Executive Order 177 Certification (EO) – Signed and in Word format;
- 8) NYS Executive Order 16 Certification (EO 16) – Signed and in PDF format;
- 9) MWBE and EEO Policy Statement (MWBE-1) – Signed and in Word format; and
- 10) EEO Staffing Plan (MWBE-2) – Signed and in Word format.

These required attachments are listed as questions in the Eligibility Review section. To respond to each attachment question, Applicants will go to the Events Comments and Attachments section in the event to find the corresponding attachment needed to be completed. Once completed, the Applicant will upload the attachment in response to the actual question.

## **2. Program Design – 65 Points**

A total of 65 points are available in scoring the Program Design part of the application. The Applicant must fully answer each part of the questions listed in SFS and submit applicable attachments.

**Business/Industry Demand (11 points)**

- 1) Enter Your Federal Employer Identification Number (FEIN). (0 points)
- 2) Indicate the priority industry the proposed training program will serve. For information regarding priority industries by region, please see [Section III.C.3](#) or the NYSDOL Labor Market Information for Workforce Planning webpage (<https://dol.ny.gov/lmi-workforce-planning>). (1 point)
- 3) Describe in detail the compelling need for the proposed training program within the current state of the local/regional industry and economy. (3 points)
- 4) Explain with specificity the need for incumbent workers to gain the occupational skills proposed by the training program. (3 points)
- 5) Describe how the proposed training program will:
  - a) Lead to advancement or retention of trainees in middle-skills occupations;
  - b) Assist in skills upgrades and retention of the trainees; and
  - c) Improve the productivity of trainees. (4 points)

**Target Population (11 points)**

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

**Occupational Skills Training Course(s)/Career Development (24 points)**

- 9) Provide titles and full descriptions of every occupational skills training course in the proposed training program, including (13 points):

A description of the occupational skills training curriculum, including:

  - a) The educational strategy for each occupational skills training course listed in the MTL (i.e., classroom training, distance learning, etc.); the materials to be used for each course (i.e., textbooks, presentations, guest speakers, etc.); and the duration for each course proposed (i.e., the number of weeks and total number of hours for each course); (7 points)
  - b) A detailed list of occupational skills the trainees will acquire for each occupational skills training course; (2 points)

- c) A description of how the applicant will assess the attainment of the trainees' occupational skills during the training course (i.e., quizzes, tests, presentations, etc.); and (2 points)
- d) A description of how the educational strategy takes into account the relevant characteristics (i.e., knowledge, skills, abilities, etc.) of the trainees as described in the prior Question #8. (2 points)

For the definition of occupational skills training course and the exclusion of unallowable standalone trainings, see the Program Services Section ([III.C.](#)) of this RFA.

- 10) Clearly identify the methods by which input was solicited from trainees in developing the occupational skills training program (i.e., they indicated they wanted the specific training, a survey was provided to employees, etc.). (2 points)
- 11) Provide in detail how the information gained from the occupational skills training will be disseminated to others in the organization (i.e., those who do not participate in the training but could still benefit from the information learned). (2 points)
- 12) Describe how the occupational skills, as detailed in Question #9b, to be acquired by the trainees are recognized and transferable, either industry-wide or used across multiple industries. If the skills are used across multiple industries, list those industries. (2 points)
- 13) Describe the educational component of the proposed training program that will educate the trainees about career development within or across the industries described in the prior Question #12, including the credential(s) or opportunities for advancement, if applicable. For details see Program Services ([Section III.C.2.](#)) of this RFA. (2 points)
- 14) Provide the name, description(s), and the national accreditation or third-party issuer of the specific credential the trainees will receive at the conclusion of the training. For the definition of credential see the Program Services Section ([III.C.2](#)) and [Section VII](#) of this RFA. (3 points)

**Outcomes (12 points)**

- 15) Has the Applicant provided a similar occupational skills training program in the past? If yes, provide the percentage of trainees from prior Applicant-sponsored occupational training course(s) that attained a credential. For a definition of credential see the Program Services Section ([III.C.2.](#)) and [Section VII](#) of this RFA. (Percentages of 0% to 25%; 25.01% to 75%; 75.01% to 100%). (If the Applicant did not provide a similar occupational skills training program in the past, Applicant will mark Not Applicable to this question.) (2 points)
- 16) Provide the estimated percentage of trainees who will be retained in employment for at least a year. (Percentages of 0% to 25%; 25.01% to 75%; 75.01% to 100%). (4 points)
- 17) Describe how the Applicant will evaluate that the skills learned by the trainees, due to the proposed program, will be implemented in their work. (3 points)
- 18) Select the average hourly wage the majority (51% or more) of trainees will receive upon completion of the occupational skills training course(s). Minimum wage (\$15.00/\$16.00 (depending on location) to \$18.00; \$18.01 to \$20.00; \$20.01 to \$23.00; \$23.01 and up. (3 points)

**Leveraged Funding (3 points)**

- 19) Indicate the required Leveraged Funding percentage based on the Detailed Budget Attachment (DBA), the source of funding, and the sliding scale rates defined in [Section II.C.](#) (3 points)

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

- 20) Identify the number of full-time equivalent (FTE) workers currently employed by the applicant business. (1 point)
- 21) How many years has the Applicant offered similar occupational skills training or service? (Less than 1 year; 1 to 2 years; 3 or more years). (2 points)
- 22) What is the Applicant's annual revenue? (1 point)

### **3. Work Plan – 15 points**

A total of 15 points are available in scoring the Work Plan part of the application.

In the Work Plan Attachment ([WPA](#)), the Applicant will define the objectives, tasks, and performance measures that will detail the proposed plan to ensure training and service activities, as identified in the Program Design. The purpose of the Work Plan is to provide a road map and measurable criteria to ensure successful and timely implementation of the proposed program. As part of the Work Plan, Applicants can include objectives, tasks, and performance measures, including the following:

- The objectives are realistic and align with the activities as proposed in the Program Design;
- The tasks as described align with the associated objective and upon completion will attain the objective (Applicant should include critical tasks to be performed for attaining the relevant objectives and performance measures);
- The performance measures, as proposed, will measure the successful completion of the task and attainment of the relevant associated objective; and
- The performance will evaluate project effectiveness. The performance measures must be SMART: Specific, Measurable, Achievable, Relevant and Time-oriented (who will do what, how it will be counted, how often, and when the tasks and objectives will be evaluated).

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

### **4. Program Cost – 20 Points**

An Applicant may receive up to 20 points for the program cost.

Requested funding must be directly related to the program. All proposed expenditures must be reasonable, necessary, and clearly related to the purposes and activities of the services in this program. For a list of restricted use of funds, please see the Restrictions on Types of Training Section ([II.B.2.](#)) and the Restrictions on Use of Funds Section ([II.B.3.](#)) of this RFA.

### **Detailed Budget Attachment**

Applicants must complete and submit the [DBA](#) with their application. The DBA requires specific detail for both the costs of occupational skills training course(s) (Training Costs) and the allowed non-

Personnel Costs of books or training materials directly associated with the training; software required to deliver the training (distance learning fees); or credentialing exam fees. This detail will be incorporated into the contract of successful Applicants. The DBA should only be completed for one (1) year at the time of application, regardless of whether the Applicant plans to request a renewal for a second year.

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

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

The requirements of this section are applicable to all Applicants, regardless of whether the proposed training program is to be delivered in-house by the Applicant or by an outside training provider. If the Applicant does not provide the required cost comparison information, or if a competitive tuition rate was not selected, a narrative justification must be provided in order to receive points for cost. This justification will be reviewed by NYSDOL and may result in program cost points being awarded.

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

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

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

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

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

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

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

### **C. Method of Selection**

Applications must first meet all minimum eligibility requirements outlined in the Minimum Requirements Section ([V.B.1.](#)) of this RFA.

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

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

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

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

NYSDOL may award a contract for any or all parts of an application and may negotiate contract terms and conditions to meet agency program requirements consistent with the RFA.

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

It is important to note that:

- Ineligible Applicants will be disqualified before completing a review;
- Incomplete applications will be disqualified;
- All Applicants that are determined not to be responsive or responsible will be disqualified after completing a review;
- Applications that fail to meet requirements will be disqualified; and
- NYSDOL reviews will result in a final score.

## **VI. Award Administration and Information**

### **A. Award Notices**



All Applicants will receive a letter informing them of the decision on their application and successful Applicants will be contacted by NYSDOL's contract development staff. If awarded, the Applicant will also be notified of the maximum amount it has been awarded.

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

Applicants that received an award(s) under the past CFA WDI Initiative, or traditional CFA rounds, and who have completed services and expenditures, and closed out the contract(s) may apply. Applicants that received an award under the past CFA Initiative, or traditional CFA rounds with a current open contract, who have successfully served at least 75% of the planned participants and have expended at least 75% of the previously awarded funds, may apply. The Department reserves the right to request and receive prior contract participant outcome information and all due vouchering and reimbursement documentation before making awards for year one (1) and/or year two (2) funding.

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

## **B. Payment**

Once a contract has been developed and formally executed, funds will be released on a cost reimbursement basis. A Contractor must first pay for incurred expenses and then submit a voucher to NYSDOL for reimbursement. Vouchers must be submitted to NYSDOL on the prescribed forms before payment is made. For cost reimbursements to be approved, certain records must be kept, and specific documents submitted. Contractors must provide documentation that the service was provided. This will include attendance records for each training session to document attendance or certificates of completion showing the participant completed all required elements of the training. Attendance sheets must include the Course Name, Training Provider, Name of the Trainee, Signature of the Trainee, Signature of the Trainer, and Date and Hours of Training. If the training occurs during an entire day, sign-in and sign-out hours must also be included.

Expenditure reimbursement is based on individual participant attendance at occupational skills trainings. If the trainees attend up to and including 50% of the course, the reimbursement will be at the level of attendance achieved (i.e., individual trainee attends 30% of the course sessions, the reimbursement will be 30% of the training cost). For trainee attendance of 51% and above, the reimbursement will be for 100% of the training cost. While outside trainers may bill Contractors at an hourly, daily, weekly, or course rate, reimbursement will be made at a budgeted per trainee rate per course times the actual number of trainees, adjusted for attendance as explained above.

Please be advised that trainings may not begin until after an award is made. This includes the completion of application reviews, due diligence being confirmed, awardees determined, and award letters being issued. The start date for all contracts resulting from this solicitation may be no earlier than the date of the award letter issued by NYSDOL. Any training that begins or is paid for prior to the date of the award letter will fall outside the contract period and be ineligible for reimbursement. Further, all activities funded by the contract must end on or before the end date of the contract and any activities that occur after the end date of the contract will not be eligible for reimbursement.

NFP organizations funded under the ERAT Program are eligible for a cash advance of their award, up to 25% of total contract value, upon contract execution, at the sole discretion of NYSDOL and subject to the availability of funds appropriated and available for contracts entered into pursuant to this solicitation.

**Electronic Payments** – Payment for invoices submitted by the Contractor shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner’s sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary NYS procedures and practices. The Contractor shall comply with the NYS Comptroller’s procedures to authorize electronic payments. Authorization forms are available at the NYS Comptrollers website at [www.osc.state.ny.us/epay/index.htm](http://www.osc.state.ny.us/epay/index.htm), by email at [helpdesk@sfs.ny.gov](mailto:helpdesk@sfs.ny.gov), or by telephone at 855-233-8363. The Contractor acknowledges that it will not receive payment on any invoices submitted under this Contract if it does not comply with the NYS Comptroller’s electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

### **C. General Requirements**

All applications and accompanying documentation will become the property of NYS and will not be returned. The content of each Applicant's application will be held in strict confidence during the evaluation process, and no details of the application will be discussed outside of the evaluation process. The successful Applicant's applications and portions of the RFA deemed applicable by NYSDOL will be made part of the contract. Therefore, an official authorized to commit the company to a contract must sign the application.

### **D. Buy American Requirements**

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

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

Please note that the Federal WIOA funds supporting this initiative are subject to the following federal and NYS Executive Orders:

- Executive Order 13513 – Sec. 4. Text Messaging While Driving by Government Contractors, Subcontractors, and Recipients and Sub-recipients. Contractors, subcontractors, and recipients and sub-recipients are encouraged to adopt and enforce policies that ban text messaging while driving a vehicle when performing official Government business or work on behalf of the Government, and to conduct initiatives of the type described in section 3(a) of the Executive Order.
- Executive Order 12928 – The recipients are strongly encouraged to provide contracting/subcontracting opportunities to Historically Black Colleges and Universities and other Minority Institutions such as Hispanic-Serving Institutions and Tribal Colleges and

Universities; and to Small Business Owned and Controlled by Socially and Economically Disadvantaged Individuals.

- Executive Order 13043 – Recipients are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles.
- Executive Order 13166 – Recipients must take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access to programs in accordance with USDOL’s Policy Guidance on the Prohibition of National Origin Discrimination as it Affects Persons with LEP Volume 68, Number 103, Page 32289-32305. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary.
- Executive Order 14005 – Recipients agree to comply with all applicable Made in America Laws (as defined in the Executive Order), including the Buy American Act at 41 USC sections 8301-8305. The recipient is required to maximize the use of goods, products, and materials produced in, and services offered in the United States, in accordance with the Made in America Laws.
- NYS Governor Cuomo’s Executive Order 177 – see [Section VIII](#) for further information.
- NYS Governor Hochul’s Executive Order 16 – see [Section VIII](#) for further information.

## **F. Reservation Clauses**

NYSDOL, in order to serve the best interests of NYS, reserves the right to:

1. Make no award;
2. Postpone or cancel this RFA upon notification to all Applicants;
3. Amend the specifications after their release with appropriate notice to all Applicants;
4. Remove applications with unreasonable costs from award consideration;
5. Request Applicants to present supplemental information clarifying their application, either in writing or in formal presentation. Applicants failing to respond to these requests during the time allotted may be eliminated from funding consideration;
6. Waive or modify minor irregularities in applications received after prior notification to the Applicant. This will in no way modify the RFA documents or excuse the Applicant from full compliance with the RFA terms and conditions;
7. Correct any arithmetic errors in any application;
8. Reject any and all applications received in response to this RFA;
9. Contact applicants’ references as a check on qualifications;
10. Award contracts to more than one (1) Applicant;
11. Negotiate with selected Applicant prior to contract award;
12. Rescind the award of any Applicant unable or unwilling to begin conducting its training activities immediately following contract execution. No Applicant will have any rights against NYSDOL arising from such negotiations;
13. Make any payment contingent upon the submission of specific deliverables; and
14. Require that all offers are held open for a period of 120 days unless otherwise expressly provided for in writing.

## VII. Definitions

1. **Business Services Representatives:** Staff across NYS dedicated to assist businesses with their workforce needs including the NYS Job Bank and NYTalent, tax credits and other hiring incentives, apprenticeship programs, HR consultation, and layoff aversion. To contact a Business Services Representative, please find their contact information at <https://dol.ny.gov/contact-business-services>.
2. **Career Center System Required Partners (AKA Career Center's Partners):** NYS's Career Center System is funded by the WIOA and is made up of 33 Local Workforce Development Boards (LWDBs) that oversee their respective Local Workforce Development Areas (LWDAs) and 95 Career Centers. The System includes:

Core Program Partners:

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

Other Career Center Partners:

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

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

3. **Classroom Training:** Classroom Based Training Programs can include instructor led training, E-Learning, hands on training, lectures, group discussions/activities, and be online or remote. Supervision or coaching activities while the employees are working is not included.

4. **Credential:** An attestation of qualification or competence issued to an individual by a third party (such as an educational institution or an industry or occupational certifying organization) with the relevant authority or assumed competence to issue such a credential. It does not refer to a certificate of completion for a course. Examples of credentials include:
- A secondary school diploma or its recognized equivalent; and
  - Recognized postsecondary credentials which include associate and bachelor's degrees; occupational licensures; occupational certificates, including Registered Apprenticeship and Career and Technical Education educational certificates; occupational certifications; and other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment.

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

5. **Customized Training (WIOA Sec. 3 (14)):** Training that is:
- Designed to meet the specific requirements of a business (including a group of businesses);
  - Conducted with a commitment by the business to employ an individual upon successful completion of the training; and
  - For which the business pays:
    - a. A significant portion of the cost of training, as determined by the local board involved, taking into account the size of the business and such other factors as the local board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to competitiveness of a participant, and other business-provided training and advancement opportunities; and
    - b. In the case of customized training involving a business located in multiple local areas in NYS, a significant portion of the cost of training, as determined by the Governor of NYS, taking into account the size of the business and such other factors as the Governor determines to be appropriate.
6. **Distance Learning:** A method of classroom instruction wherein the trainee receives lessons remotely such as over the internet, via email or by mail.
7. **Employee Coverage:** Includes labor costs necessary to ensure the performance of the trainee's current job responsibilities during the time that the trainee is away at training and unavailable to perform the duties required of his/her current position.
8. **Full-Time Employment:** 35 hours per week or more.
9. **Human Resources (HR) Training:** Trainings needed or required to be provided to employees to better understand the workplace or to improve the work environment and are not specific to the job or occupation of the employees. The provision of these HR trainings is a normal cost of doing business and is the responsibility of the business. Examples include, but are not limited

to, basic trainings about: sexual harassment, diversity, new employee orientation, accessing reasonable accommodation, cyber security, internal controls, internet security, workplace violence, human relations and sensitivity at the workplace, fire safety and evacuations, and workplace hazards that do not typically provide specific occupational skills.

10. **Individual with a Barrier to Employment (WIOA Sec. 3 (24)):** A member of one (1) or more of the following populations:

- Displaced homemakers;
- Low-income individuals;
- Indians, Alaska Native, and Native Hawaiians as such terms are defined in 29 USCS § 3221;
- Individuals with disabilities (including youth with disabilities and recovering addicts);
- Older individuals;
- Formerly incarcerated individuals;
- Homeless individuals or homeless children and youth;
- Youth who are in or have aged out of the foster care system;
- Individuals who are English Language Learners, have low levels of literacy, or those facing substantial cultural barriers;
- Eligible migrant and seasonal farmworkers;
- Single parents (including single pregnant women);
- Long-term unemployed individuals;
- Individuals within two (2) years of exhausting lifetime eligibility under Part A of Title IV of the Social Security Act; or
- Other groups as the Governor determines to have barriers to employment.

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

11. **Leveraged Funding:** For the purposes of the ERAT RFA, a percentage of “non-federal” financial commitment of either a portion of the training costs or the wages of the workers while they attend training based on the size of the Applicant’s business:

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

12. **Local Workforce Development Boards (LWDBs):** A board, established in each local area of NYS and certified by the Governor, made up of members from business; workforce; entities administering education and training activities; representatives of governmental, economic, and community development entities; and other individuals or representatives the chief elected official in the local area deems appropriate, tasked with creating a local plan, analyzing local

labor market information and workforce development activities, engaging local business to develop linkages, developing career pathways, establishing best practices, and ensuring the appropriate use and management of funds in the local area.

13. **Low-Skill Occupations:** Occupations typically requiring some, little or no preparation to work in the occupation and may require a high school diploma or GED certificate. Employees in these occupations need anywhere from a few days to a few months of training and usually, an experienced worker could show you how to do the job. Low-skill occupations generally fall under food/beverage serving, sales/related occupations, agricultural, construction/extraction, production, and transportation/material moving occupational categories.
14. **Long-Term Unemployed:** Individuals, who at the time the appropriate training begins, have been unemployed for 20 weeks or more.
15. **Middle-Skill Occupations:** Occupations typically requiring some education and training beyond high school but less than a bachelor's degree. The postsecondary education or training may include an associate's degree, vocational certificates, significant on-the-job training, previous work experience, or some college. Middle-skill occupations are generally those that fall under the clerical, sales, construction, installation/repair, production, healthcare, and transportation/material moving occupational categories.
16. **One-on-One Training:** A training provided in-house that consists of only one (1) trainee and one (1) trainer.
17. **Occupational Skills Training:** Instruction conducted in an institutional or worksite setting designed to provide individuals with the skills required to perform a specific job or group of jobs needed by a business.
18. **O\*NET:** The nation's primary source of occupational information, made up of a database with information on hundreds of standardized and occupation-specific descriptors, and O\*NET Online, an interactive application for exploring and searching occupations. For more information, please visit the website at <https://www.onetonline.org/>.
19. **Stand-Alone Ineligible Training:** Training is considered "stand-alone" when it is not part of a larger occupational skills training. This type of training is not allowable under the program. Examples of stand-alone training include:
  - Microsoft Office (this does not include computer applications deemed essential to the occupational skills training);
  - Basic safety training;
  - Sexual harassment training;
  - State or federally mandated training (OSHA), except when it is a component of the larger occupational skills training course; or
  - HR training.
20. **Training Provider:** An entity that provides a training program with one (1) or more courses or classes, or a structured regimen that leads to a recognized post-secondary credential,

secondary school diploma or its equivalent, employment, or measurable skill gains toward such a credential or employment.

21. **Workforce Innovation and Opportunity Act (WIOA):** WIOA was signed into law in July 2014, taking effect in July 2015, and replaced the Workforce Investment Act (WIA). WIOA is intended to help job seekers and workers access employment, education, training, and support services to succeed in the labor market, and match businesses with the skilled workers they need to compete in the global economy. For more information, please visit the website at [https://www.doleta.gov/WIOA/eta\\_default.cfm](https://www.doleta.gov/WIOA/eta_default.cfm).
22. **WIOA Regional Workforce Plans:** Regional workforce plans are created by each LWDB, recognizing workforce as an integral part of economic development. Plans are intended to identify and leverage assets of the Career Center System, as well as support the REDC strategic planning and the role of NYS Workforce Investment Board (SWIB) in addressing workforce priorities. For more information, please visit the website at <https://dol.ny.gov/workforce-development-plans>.



## VIII. Attachments and Appendices

Acronym	Document Title	Required for submission?
MTL	<a href="#">Master Training List</a>	Yes, Excel format
DBA	<a href="#">Detailed Budget Attachment</a>	Yes, Excel format
CCW	<a href="#">Cost Comparison Worksheet</a>	Yes, Word format
KC	<a href="#">Key Contacts</a>	Yes, Excel format
ACBC	<a href="#">Application for Competitively Bid Contract</a>	Yes, Word with original signatures
VRAQ	<a href="#">Vendor Responsibility Applicant Questionnaire</a>	Yes, Word with original signatures
EO 177	<a href="#">Executive Order (EO) 177 Certification</a>	Yes, Word with original signatures
EO 16	<a href="#">Executive Order (EO) 16 Certification</a>	Yes, PDF with original signatures
SFSPR	<a href="#">Appendix – SFS Prequalification Requirement</a>	No
OJZ	<a href="#">Appendix – O*NET and JobZone Information</a>	No
WIOAPC	<a href="#">Appendix – WIOA Partner Contact Information</a>	No
SCNYS	<a href="#">Appendix – Standard Clauses for all NYS Contracts</a>	No
CTC	<a href="#">Appendix – Combined Terms and Conditions</a>	No
GISB	<a href="#">Appendix – General Information for Successful Bidders</a>	No
MC	<a href="#">Appendix – Master Contract for Grants</a>	No
WIOA	<a href="#">Appendix – WIOA References</a>	No
MWBE-1	<a href="#">MWBE EEO Policy Statement</a>	Yes, Word with original signatures
MWBE-2	<a href="#">EEO 100 – EEO Staffing Plan</a>	Yes, Word with original signatures

The three (3) NYSDOL WDT programs are: Employee Retention and Advancement Training (ERAT), Reemployment Training Grant (RTG), and Work Readiness Training (WRT). The Programs are funded by a federal grant of \$248.7 million, which constitutes 100% of the budget. 0%, or \$0 is funded by state or non-governmental sources.

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