

**New York State Division of Criminal Justice Services  
2014-15 Aid to Crime Laboratories  
Request for Applications**

**I. Introduction**

For State Fiscal year (SFY) 2014-2015 approximately \$6.6 million is available for award through the Aid to Crime Laboratories Grant Program, contingent upon available appropriations, to eligible accredited public forensic laboratories. Funding provided under this grant program is to be used to enhance the efficiency, effectiveness, reliability, and accuracy of laboratory services within New York State's forensic laboratories.

**II. Eligibility**

To receive funding under this grant program, applicants must meet the following four criteria:

1. Applicants must meet the definition of a public forensic laboratory as set forth in Executive Law §995 (1) and (2).
2. Applicants must represent a county or municipal government.
3. Applicants must be accredited by either American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD/LAB) or American Board of Forensic Toxicology (ABFT) and New York State.
4. Applicants must participate in the New York State Technical Working Group on Backlog Reduction.

Accordingly, the following laboratories are eligible to apply for this funding:

- Erie County Department of Central Police Services Forensic Laboratory
- Erie County Medical Examiner's Office, Forensic Toxicology Laboratory
- Monroe County Crime Laboratory
- Monroe County Office of the Medical Examiner Forensic Toxicology Laboratory
- Nassau County Office of the Medical Examiner Toxicology Laboratory
- Nassau County Office of the Medical Examiner Division of Forensic Services
- New York City Police Department Police Laboratory
- New York City Office of the Chief Medical Examiner, Department of Forensic Biology
- New York City Office of the Chief Medical Examiner, Forensic Toxicology Laboratory
- Niagara County Sheriff's Department Forensic Laboratory
- Onondaga County Center for Forensic Sciences

- Onondaga County Health Department Forensic Toxicology Laboratory
- Suffolk County Crime Laboratory
- Suffolk County Office of the Chief Medical Examiner, Toxicology Laboratory
- Westchester County Department of Laboratories & Research, Division of Forensic Science
- Westchester County Department of Laboratories & Research, Division of Forensic Toxicology
- Westchester County Department of Public Safety Crime Laboratory
- Yonkers City Police Department Forensic Science Laboratory

### **III. Funding**

Approximately \$6.6 million in funding is available to eligible laboratories to support direct accreditation and recurring laboratory costs. There is no match required for the 2014 – 2015 Aid to Crime Laboratories grant program.

Grants will be awarded for a 12-month period ending on June 30, 2015. Applicants should ensure that all costs can be encumbered by the contract end date (i.e. June 30, 2015). Any unused funds will be reprogrammed pursuant to a plan approved by the Commissioner of the Division of Criminal Justice Services.

**Funds awarded under this program shall be used to augment, and not supplant, existing federal, State, and local funding.** Accordingly, applicants must clearly demonstrate that without the requested funding, items outlined in the proposed budget could not otherwise be supported or obtained. Any potential supplanting will be subject to application review or post-award monitoring and audit. If it appears as though there is a supplanting issue, the applicant or grantee will be required to submit documentation demonstrating that the reduction in non-grant resources occurred for reasons other than the receipt or expected receipt of these funds.

Contingent upon successful application, eligible accredited laboratories will receive a predetermined award amount based upon the number of proficiency tested analysts within the laboratory. See Attachment A for individual award amounts. Analysts may only be counted once and may not be applied toward multiple laboratories analyst counts. Award amounts are determined at a rate of \$25,225 per analyst working in accredited disciplines. A one-time award of \$12,612 per analyst will be made for proficiency tested analysts working in disciplines that are currently seeking accreditation.

A \$1.15 million funding cap has been placed on DNA-only laboratories with over 100 proficiency-tested analysts and a \$700,000 funding cap has been placed on multidisciplinary laboratories with over 100 proficiency-tested analysts. Accredited laboratories that only perform Toxicology are eligible to receive a set award amount of \$90,000. Laboratories which have received National Institute of Justice DNA Backlog grant awards and have unspent funds for three or more years as of February 2014 will receive a funding penalty applied to their award

determination. Laboratories may request funding only up to their predetermined award amount. Any laboratory that requests more than their predetermined allocation will be required to submit a revised budget for the correct amount.

Awards are to be used to support recurring costs which maintain the timeliness and quality of forensic services performed within the laboratory. Eligible costs supported under this initiative include: personnel salaries, fringe benefits (for personnel salaries only, not to exceed rates for positions supported with grant funds in SFY 2013-14), overtime, consultant services, equipment, supplies and costs directly related to accreditation (including training). Priority for funding requests should focus on continued support of existing positions providing direct forensic services. Ineligible costs include capital construction and renovation, governmental indirect costs and the purchase of firearms or other deadly weapons. Applicants whose funding requests do not meet program objectives will be required to revise their requests.

#### **IV. Application Preparation and Submission**

Grant applications should be submitted to the automated DCJS Grants Management System (GMS) by **12:00 (Noon), Wednesday, June 25, 2014.**

The GMS system allows an agency to complete an application electronically and submit it over the Internet. If, upon reading this program announcement, you are interested in completing a grant application and you have not previously registered to use the DCJS GMS system, your agency will first need to register a user who will be responsible for electronically completing and submitting applications and submitting routine program progress reports.

In addition, you must ensure that the signing official for your municipality has registered as a Signatory User in the GMS system. The Signatory will be required to electronically indicate his/her acceptance of the grant contract (if awarded) on behalf of your agency or organization. GMS will not allow the submission of an application for funds without a registered Signatory User.

Registration Request Forms for both general GMS users and Signatories are available online at <http://criminaljustice.ny.gov>. Please allow three to five business days to process your GMS Registration request. Applicants are encouraged to register and begin their online application early in order to allow time to obtain assistance with using GMS. A User Manual and tutorials are available online at the foregoing Internet address. If you experience difficulty using GMS or do not have Internet access, please contact DCJS' Office of Program Development & Funding at (518) 457 – 9787 or at [funding@dcjs.ny.gov](mailto:funding@dcjs.ny.gov). DCJS technical assistance with GMS will be available until **12:00 (Noon), Wednesday, June 25, 2014.**

When accessing the GMS system to complete an application, click Project>New, then select “Aid to Crime Labs” as the funding program.

## V. Award Methodology

Applications will be evaluated based upon a pass/fail review of applicants' fulfillment of the qualifying criteria for funding. Qualifying criteria are conditions that must be met in order for an application to receive funding. All applications MUST:

- be submitted by an eligible applicant;
- include all required information described in Section VI, "Application Requirements" (DCJS reserves the right to allow applicants to correct minor omissions in applications received by the due date); and
- be submitted via the DCJS Grants Management System (GMS), in accordance with Section IV, by the stated application deadline.

## VI. Application Requirements

The following areas are to be addressed in the application:

### A. Budget

Within the Budget module of your GMS application, prepare a line item budget by appropriate category of expense (e.g., Personnel, Fringe Benefits, Consultants, etc.). Budgets should reflect total projected costs for a 12-month contract period and must not exceed the applicant's total award amount in Attachment A. Requested budget items must be limited to eligible costs described in Section III.

In the space provided, or in a separate attachment, provide a brief narrative justification for each requested budget item demonstrating how the requested item is essential to enhancing the effectiveness, efficiency, reliability, and accuracy of laboratory services in accordance with the Program Workplan.

**Applicants whose funding requests exceed their total award allocation, include ineligible costs, or do not meet program objectives will be required to revise their requests.**

### B. Program Workplan

When completing the Workplan section of your GMS application, enter the following statements as the Goal, Objectives, Tasks and Performance Measures for your project.

#### **Standard Workplan:**

**Goal:** The reduction/elimination of bottlenecks which affect the timeliness and quality of forensic services.

*Objectives, Tasks and Performance Measures:*

**Objective 1:** To enhance the capacity of local crime laboratories to process evidence submissions in a timely manner.

**Task 1:** To obtain and retain necessary personnel, consultants and non-personal service resources to expand and enhance laboratory's casework capacity.

**Performance Measures for Task 1:**

- (1) The number of cases the laboratory received for forensic testing.
- (2) The number of cases where forensic testing was completed.
- (3) The number and type of assignments<sup>1</sup> completed during the reporting period by personnel and consultants supported by the grant, broken out by section.
- (4) The number of administratively closed assignments broken out by sections.
- (5) The number of assignments waiting forensic testing at the end of the reporting period broken out by sections.
- (6) The number of assignments completed within 15 days or less, 16-30 days, 31-60 days, 61-90 days, and 91+ days broken out by sections.
- (7) The average turnaround time for an assignment broken out by sections.

**Task 2:** To maintain the laboratory's New York State accreditation, pursuant to New York State Executive Law Article 49-B.

**Performance Measure for Task 2:**

- (1) Submission of final inspection report and annual reporting requirements to the Office of Forensic Services.

**Task 3:** Obtain necessary laboratory equipment to maintain accreditation, eliminate bottlenecks, reduce backlog, increase throughput, and improve quality of analysis.

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<sup>1</sup> **Assignment** – A case-related request for laboratory analysis. A multidisciplinary request is to be counted as an assignment for each section where analysis is requested. Initial assignments are to be made at intake and additional assignments may be added as evidence is processed.

**Performance Measures for Task 3:**

- (1) The date equipment was purchased or leased with grant funds.
- (2) The date equipment validation was completed and/or brought into service.

**Task 4:** Overtime will be used to increase the number of analytical bench hours thereby increasing throughput and reducing backlog.

**Performance Measures for Task 4:**

- (1) The amount of overtime hours utilized during the reporting period.
- (2) Number of assignments, broken out by section, completed utilizing grant funded overtime.

**Task 5:** Participation in the New York State Backlog Technical Working Group (TWGback).

**Performance Measures for Task 5:**

- (1) Attendance at TWGback meetings during the reporting period.
- (2) Meet designated milestones for assignments and / or tasks identified by the TWGback.

**C. M/WBE and EEO Requirements**

The New York State Division of Criminal Justice Services (DCJS) recognizes its obligation under New York State Executive law Article 15-A to promote opportunities for the participation of certified minority-and women-owned business enterprises, as well as the employment of minority group members and women in the performance of DCJS contracts.

Effective April 1, 2013 all DCJS grant contracts require grant recipients to document good faith efforts to provide meaningful participation by M/WBEs as subcontractors or suppliers in the performance of grant contracts, as well as the employment of minority group members and women.

Accordingly, applicants must submit both a (1) Local Assistance M/WBE Subcontractor/Supplier Utilization Proposal Form and (2) MWBE Equal Employment Opportunity Staffing Plan as an attachment to their GMS application as instructed in RFA Attachment C.

DCJS will review the submitted Local Assistance MWBE Equal Employment Opportunity Staffing Plan and the Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form and advise the Bidder of DCJS acceptance once an award determination is made.

### **C. Encouraging Use of New York State Businesses in Contract Performance**

New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, applicants for this solicitation are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract(s) resulting from this RFP. Such partnering with New York State businesses may be as subcontractors, suppliers, protégés or other supporting roles.

To assist in demonstrating commitment to the use of New York State businesses in the performance of the contract(s), all applicants must complete the form provided in RFP Attachment D (Encouraging Use of New York State Businesses in Contract Performance) and submit the completed form as an attachment to their GMS application.

## **VII. Application Review, Approval and Notification of Award**

Applications for awards will be evaluated by a team of at least two DCJS staff on a pass/fail basis in accordance with the criteria outlined in Section V.

The Commissioner of the Division of Criminal Justice Services will provide oversight of the grant review process. The Commissioner will announce the final grant award decisions based on the staff reviews and the recommendations made in accordance with the criteria described in Section V, "Award Methodology." Nothing herein requires DCJS to approve grant funding for any applicant. All applicants will be notified by DCJS regarding whether they received an award.

DCJS reserves the right to suspend approval of an award and/or execution of a grant contract in the event an applicant has overdue fiscal cost reports or progress reports for current DCJS grants. Accordingly, **applicants should ensure that all fiscal cost reports and progress reports required for current DCJS grants have been submitted to DCJS.**

## **VIII. Timeline**

Deadline for Applications:	<b>12:00 (Noon), Wednesday, June 25, 2014</b>
Award Announcements:	On or about <b>Thursday, July 10, 2014</b>

## **IX. RFA Questions**

DCJS staff will not privately address any questions regarding the RFA except to provide GMS technical assistance as described in Section IV, "Application Preparation and Submission." Non-GMS questions regarding this RFA will be accepted through 5:00 PM EDT, **Thursday, June 12, 2014** and must be emailed to [funding@dcjs.ny.gov](mailto:funding@dcjs.ny.gov). Please reference "2014-2015 Aid to Labs RFA" in the subject line of your email. DCJS will then email responses to all eligible applicants.

## **X. Administration of Grant Contracts**

DCJS will negotiate and develop a grant contract with successful applicants. The grant contract is subject to approval by the NYS Office of the Attorney General and Office of the State Comptroller before grant funding may actually be disbursed to reimburse project expenses. In the event that DCJS and the successful applicant cannot execute a contract within sixty days of notification of selection of the applicant, DCJS reserves the right to rescind the award and redistribute the grant funds.

Contract Approval – All contracts are subject to approval of the Attorney General and the Comptroller of the State of New York, and until said approval has been received and indicated thereon, the Contract shall be of no force and effect.

Contract Period – Grant contracts will be executed for a period of 12 months beginning July 1, 2014 and ending June 30, 2015, subject to the continued availability of the grant funding. DCJS reserves the right to modify the contract period in the best interests of the State.

Contract Activities – All activities must have prior approval from DCJS and meet guidelines established by the State of New York and the federal government.

Contract Changes – Contracts awarded as the result of this RFA may be executed, extended, increased, decreased, terminated, renewed, amended, or renegotiated at the discretion of the Commissioner of the Division of Criminal Justice Services based on a grantee's performance, changes in project conditions, or otherwise.

Records – Grantees must keep books, ledgers, receipts, work records, consultant agreements and inventory records pertinent to the project and in a manner consistent with DCJS contractual provisions and mandated guidelines.

Liability – Nothing in the contract between DCJS and the grantee shall impose liability on the State of New York, for injury incurred during the performance of approved activities or caused by use of equipment purchased with grant funds.

Payments – Payments will be made pursuant to a schedule specified in a contract entered into between DCJS and the grant award recipients. Funds will not be available until approved by State control agencies. Generally, payments are made quarterly.

Reports – Grantees shall submit quarterly progress reports to DCJS in a format and time schedule specified in the grant contract, which shall include a description of the program efforts undertaken during the reporting period and the current status of the project.

Review – The grantee's performance in all areas mentioned above, in addition to the services contracted for, will be monitored by DCJS. Monitoring activities may take the

form of site visits, records inspections, written and telephone communication, or other methods deemed necessary by DCJS.

Disposition of Allocations – DCJS reserves the right to reject applications, deny the awards, or defer applications for future consideration based on insufficient information in the application, lack of accompanying documentation, the inappropriateness of the project proposed, an organizational history of unsuccessful projects of a similar nature, or a history of contract non-compliance.

Revocation of Funds – Funds awarded to an applicant who does not implement an approved project within 90 days for the execution date may be revoked and reprogrammed at the discretion of the Commissioner of the Division of Criminal Justice Services.

Standard Contract Provisions – Grant contracts executed as a result of this Program Announcement will be subject to the terms and conditions of Appendix A and Appendix A-1, which are available for review at <http://criminaljustice.ny.gov>.

**NYS DIVISION OF CRIMINAL JUSTICE SERVICES  
2014 - 2014 AID TO CRIME LABORATORIES  
REQUEST FOR APPLICATIONS**

**ATTACHMENT A  
2014 - 2015 AID TO CRIME LABORATORIES AWARD ALLOCATIONS**

<b>Laboratories</b>	<b>Award Amount</b>
Erie County Department of Central Police Services Forensic Laboratory	\$605,406
Monroe Co. Public Safety Laboratory	\$630,631
Nassau County Office of the Medical Examiner Division of Forensic Services	\$630,631
NYPD Police Laboratory	\$700,000
New York City Office of Chief Medical Examiner Department of Forensic Biology	\$1,150,000
Niagara County Sheriff's Department Forensic Laboratory	\$176,577
Onondaga Co. Center for Forensic Sciences	\$580,180
Suffolk County Crime Laboratory	\$396,419
Westchester County Department of Laboratories & Research Forensic Science Laboratory	\$731,532
Westchester County Department of Public Safety Crime Laboratory	\$302,703
Yonkers City Police Department Forensic Science Laboratory & Criminal Identification Unit	\$100,901

<b>Toxicology Laboratories</b>	<b>Award Amount</b>
Erie County Medical Examiner's Office Forensic Toxicology Laboratory	\$90,000
Monroe County Office of the Medical Examiner Forensic Toxicology Laboratory	\$90,000
Nassau County Office of the Medical Examiner Toxicology Laboratory	\$90,000
New York City Office of Chief Medical Examiner Department of Forensic Toxicology	\$90,000
Onondaga Health Department Forensic Toxicology Laboratory	\$90,000
Suffolk County Office of the Chief Medical Examiner Toxicology Laboratory	\$90,000
Westchester County Department of Laboratories & Research Division of Forensic Toxicology	\$90,000
<b>Total - Award Allocations</b>	<b>\$6,635,000</b>

## **ATTACHMENT B**

GMS Registration Form

GMS Signatory Registration Form

Helpful Hints for GMS

Final Checklist



**NYS Division of Criminal Justice Services**  
Alfred E. Smith Building  
80 South Swan Street

Albany, NY 12210  
Phone: (518) 457-8462  
<http://criminaljustice.ny.gov>

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## Office of Program Development and Funding

### GMS USER REGISTRATION

In order to complete grant applications online to DCJS, your agency must register with the GMS system. Do so by submitting this Registration Request from – and the attached IRS W-9 form – via email attachment to [funding@dcjs.ny.gov](mailto:funding@dcjs.ny.gov). When your request has been processed, you will be sent a username and instructions. Please download the GMS User Manual at <http://criminaljustice.ny.gov/ofpa/gms.htm>.

**Please allow 3-5 business days for your Registration Request to be processed.**

Registrant Information (all fields are required):

Agency:

EIN (Tax ID#):

Registrant:

Title:

Address:

Address2: (if applicable)

City/State:

Zip:

Email:

Phone: (Ex.: (555) 111-1111)

DCJS #s of Current Grants (if applicable):

**NOTE: You must also complete IRS form W-9, Request for Taxpayer Identification Number and Certification, in order for your registration to be processed. Faxed signatures are acceptable. Download the form at <http://criminaljustice.ny.gov/ofpa/gms.htm>. Fax to (518) 457-1186. Indicate here that form W-9 has been completed and faxed:**



**NYS Division of Criminal Justice Services**  
Alfred E. Smith Building  
80 South Swan Street  
Albany, NY 12210  
Phone: (518) 457-8462  
<http://criminaljustice.ny.gov>

### Office of Program Development and Funding

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### GMS SIGNATORY REGISTRATION

In order to complete grant applications online to DCJS, your agency must register with the GMS system. Do so by submitting this Registration Request form via email attachment to [funding@dcjs.ny.gov](mailto:funding@dcjs.ny.gov). When your request has been processed, you will be sent a username and instructions. Please download the GMS User Manual at <http://criminaljustice.ny.gov/ofpa/gms.htm>.

**Please allow 3-5 business days for your Registration Request to be processed.**

Registrant Information (all fields are required):

Agency:

EIN (Tax ID#):

Authorized Signing Official:

Title:

Address:

Address2: (if applicable)

City/State:

Zip:

Email:

Phone: (Ex.: (555) 111-1111)

Basis for signing authority (Ex., executive officer, authorized by municipal charter, e.g.)

DCJS #s of Current Grants (if applicable):

**NOTE:** If your agency has not yet submitted IRS form W-9, Request for Taxpayer Identification Number and Certification, you will be required to do so. Download the form at <http://criminaljustice.ny.gov/ofpa/gms.htm>. Fax to (518) 457-1186.

**NYS Division of Criminal Justice Services**

**Office of Program Development & Funding**

**GMS Helpful Hints**

The following GMS helpful hints apply **ONLY** to applications for DCJS' 2014 – 2015 Aid to Crime Laboratories Request for Applications (RFA).

Applicants already familiar with DCJS' Grants Management System (GMS) can use the following helpful hints as a simplified guide for preparing their applications in GMS. **First time GMS users should review the GMS User Manual located at <http://criminaljustice.ny.gov/ofpa/gms.htm>**

> **Getting Started**

Sign on to GMS.

Click "**Project**". Click the "**New**" button at the top of the project grid.

This will take you to a screen that says "**Select a Program Office**" in a drop-down box format.

Find and highlight "**Aid to Crime Labs**" then click "**Create Project**".

This begins your application. You may work on the application, save and return to it at a later time, except as noted below. Note that GMS will time out after 30 minutes of inactivity. That means that you should save your work frequently. Each save re-sets the timer.

In the newly created project, complete the following modules (listed across the top of the screen):

> **General**

Complete the text screens and press save.

> **Participants/Contacts**

Click on "**Add Participant**" and in the search prompt that appears, type in your agency name (for jurisdictions, for example – "Albany, City of"). This should take you to a list. Find your agency and click in the blue section of your agency name. This will prompt a drop down list that defaults to "**Grantee**". Click "**Add**." If there will be a separate Implementing Agency, repeat the process, choosing "**Implementing Agency**" as the Participant Type.

In the event your agency is not listed, click the "**New**" button to add your agency to our database. Please **complete all required information** on the screen, including the Employer Identification Number (EIN) before you **SAVE** the entry. GMS will only allow one attempt then locks the entry to edits. Should you still need additional information added to the Participant record, please call GMS Help at (518) 457-9787.

Scroll to the bottom of the screen to add contact information. Click on "**Add Contact**" and, in the search prompt that appears, type in the last name of the person to be added. This should take you to a list of existing contact names. Find the person to be added and click in the blue section of the name. This will prompt a drop down list that defaults to "Primary". Ensure you do this until you have added a **minimum of three names: Primary, Signatory and Fiscal contacts**. In the event that the contact you are attempting to add does not appear in a search, click the "**New Contact**" button to add the contact to our database.

***Note: If the signatory you try to add is not eSignature registered, you will get an error message and will not be allowed to add that person until the eSignature registration process has been completed. You will NOT be able to submit the application without a signatory attached. Please refer to the preceding GMS Signatory Registration form and instructions to register a GMS signatory for your agency.***

### > **Budget**

Select the "**Budget**" tab at the top of the application screen. Click on "**Create a new budget for (your agency)**". On the subsequent entry screen, you will choose a budget category to work on from a drop-down list. You may continue to work within a category, or choose a new category at any time. Proceed through the various budget categories to enter your proposed project budget. Please make sure that sufficient justification is provided for each budgeted line item.

If you should need to exit the budget module and return to it later for editing or updating, click the blue "Edit" button to return to the budget screen to input your updates.

### > **Workplan**

[Refer to RFA Section VI ("Application Requirements") for Workplan requirements for this funding program.]

Fill in the "**Project Goal**" text box and click "**Save**."

Click "**Create New Objective**" and fill in the text box and click "**Save**"

Click "**Add Task to this Objective**" and fill in the text box and click "**Save**" (**Note:** This can be repeated, as needed, for multiple tasks.)

Click "**Add Performance Measure to this Task**" and fill in the text box and click "**Save**". (**Note:** This can be repeated, as needed, for multiple Performance Measures; GMS requires at least the Goal, and one each of Objectives, Tasks and Performance Measures.)

### > **Questions**

There are no questions requiring narrative responses for this RFA.

### > **Acceptance**

Click in the blue lettering anywhere under "**Assurances**".

This will bring you to a list of Certified Assurances. Read the assurances carefully and at the bottom of the list (if they are acceptable), click the "**Certify**" button. This will automatically fill

in the “Certified by” and “Certified Date” fields, as GMS will recognize the user based upon user name and password when signing on to GMS.

***Note: Your signatory will not be able to "accept" the appendices at this time as the project is still just an application. Accepting appendices occurs as part of the contract signature at a later date.***

> **Attachments**

All applicants must submit the Local Assistance M/WBE Subcontractor/Supplier Utilization Proposal Form and M/WBE Equal Employment Opportunity Staffing Plan using this module as instructed in RFA Section VI (C) and RFA Attachment C.

Applicants opting to submit attachments to provide justifications for their budget requests (see RFA Section VI (A)) must use this module. You may click on “**Attachment**” (and upload documents there). **Note:** Follow the instructions in the GMS Users Manual for Attachments; also see screen instructions for accepted file types and advice on file names.

To assist in demonstrating commitment to the use of New York State businesses in the performance of the contract(s), all applicants must complete the form provided in RFP Attachment D (Encouraging Use of New York State Businesses in Contract Performance) and submit the completed form as an attachment to their GMS application.

Remember: ***Failure to submit required documents will be considered the same as failure to meet the deadline for application submission. This may result in an award being rescinded for the application being untimely.***

When you have completed all of the above requirements, click the “**Submit**” button. GMS will review the application for completeness. If any fields are missing, a report will display what remains to be completed. Once all fields are complete and you submit successfully, GMS will display a screen that says “*Your application has been submitted.*” In addition, GMS will send an email notification to the Signatory official listed on the application to make him or her aware that an application has been submitted on your jurisdiction’s or organization’s behalf.

## *FINAL CHECKLIST*

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Before submitting your application, make sure that you have:

- Completed the GMS Budget module and provided a justification for each requested line item;
- Completed the GMS Workplan module as instructed in Section VI; and
- Completed and attached the Local Assistance MWBE Equal Employment Opportunity Staffing Plan and the Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form as instructed in Section VI (C) and RFA Attachment C.
  
- Completed and attached the Encouraging Use of New York State Businesses in Contract Performance as instructed in Section VI (D) and RFA Attachment D.

**The application must be submitted on-line via the  
NYS-DCJS GMS no later than 12:00 (Noon) EDT on June 25, 2014.**

## **Appendix C**

Contractor Requirements and Procedures for Business Participation Opportunities for NYS  
Certified Minority and Women-Owned Business Enterprises and Equal Employment Opportunities  
for Minority Group Members and Women

**CONTRACTOR REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION  
OPPORTUNITIES FOR NYS CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS  
ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES  
  
FOR MINORITY GROUP MEMBERS AND WOMEN**

**NEW YORK STATE LAW**

Pursuant to New York State Executive Law Article 15-A, DCJS recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of DCJS contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority-and women-owned business enterprises in state procurement contracting versus the number of minority-and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that DCJS establishes goals for maximum feasible participation of New York State Certified minority- and women – owned business enterprises ("MWBE") and the employment of minority groups members and women in the performance of New York State contracts.

**Equal Employment Opportunity Requirements**

Pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors 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 Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

**Business Participation Opportunities for MWBEs**

For purposes of this solicitation, DCJS hereby establishes an overall goal of 20% for MWBE participation, 14% for Minority-Owned Business Enterprises ("MBE") participation and 6% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). A contractor ("Contractor") on the subject contract ("Contract") must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and Contractor agrees that DCJS may withhold payment pending receipt of the required MWBE documentation. The directory of New York State Certified MWBEs can be viewed at: <http://www.esd.ny.gov/mwbe.html>.

Contractors shall attempt to utilize, in good faith, any MBE or WBE identified within its Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to DCJS.

For guidance on how DCJS will determine a Contractor's "good faith efforts," refer to 5 NYCRR §142.8. Contractors must document "good faith efforts" to provide meaningful participation by New York State Certified M/WBE subcontractors or suppliers in the performance of this contract. Criteria for demonstrating "good faith efforts" include but are not limited to any of the following and should be maintained by the contractor for audit purposes:

1. A completed, acceptable Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form
2. Copies of relevant plans provided to MWBEs specifying terms and conditions of contract
3. Copies of advertisements for solicitations which should be placed in appropriate general circulation, trade and minority & women oriented publications
4. Written solicitations made to certified MWBEs listed in the directory
5. Documented evidence that the contractor has contacted all MWBE's who have expressed interest

In accordance with 5 NYCRR §142.13, Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and DCJS may withhold payment from the Contractor as liquidated damages and/or provide for other appropriate remedies.

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

By submitting a bid or proposal, a bidder on the Contract ("Bidder") agrees to submit the following documents and information as evidence of compliance. These forms may be found on the DCJS public website at <http://www.criminaljustice.ny.gov/ofpa/forms.htm>.

<b>Document Type</b>	<b>Planning Document and Instructions</b>	<b>Reporting Document and Instructions</b>
Staffing Documents	Submit <i>Local Assistance MWBE Equal Employment Opportunity Staffing Plan</i> with application	Submit <i>Local Assistance MWBE Workforce Employment Utilization Report</i> with final claim
Subcontractor Utilization Documents	Submit <i>Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form</i> with application	Submit appropriate <i>Detailed Itemization Forms</i> quarterly, with claim

DCJS will review the submitted Local Assistance MWBE Equal Employment Opportunity Staffing Plan and the Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form and advise the Bidder of DCJS acceptance once an award determination is made.

If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within (7) seven business days of receipt, by submitting a written remedy in response to the notice of deficiency, via mail to DCJS, 80 S. Swan St., Albany, NY 12210 or by facsimile to (518) 457-1186. If the written remedy that is submitted is not timely or is found by DCJS to be inadequate, DCJS shall notify the Bidder and direct the Bidder to submit within (5) five 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 bid or proposal.

DCJS may disqualify a Bidder as being non-responsive under the following circumstances:

- a) If a Bidder fails to submit a Local Assistance MWBE Equal Employment Opportunity Staffing Plan;
- b) If a Bidder fails to submit a Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form;
- c) If a Bidder fails to submit a written remedy to a notice of deficiency; or
- d) If DCJS determines that the Bidder has failed to document good faith efforts.

**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.**

## **Appendix D**

**ENCOURAGING USE OF NEW YORK STATE BUSINESSES IN CONTRACT PERFORMANCE**

## **ENCOURAGING USE OF NEW YORK STATE BUSINESSES IN CONTRACT PERFORMANCE**

New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, bidders/proposers for this contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles.

Bidders/proposers need to be aware that all authorized users of this contract will be strongly encouraged, to the maximum extent practical and consistent with legal requirements, to use responsible and responsive New York State businesses in purchasing commodities that are of equal quality and functionality and in utilizing services and technology. Furthermore, bidders/proposers are reminded that they must continue to utilize small, minority and women-owned businesses, consistent with current State law.

Utilizing New York State businesses in State contracts will help create more private sector jobs, rebuild New York's infrastructure, and maximize economic activity to the mutual benefit of the contractor and its New York State business partners. New York State businesses will promote the contractor's optimal performance under the contract, thereby fully benefiting the public sector programs that are supported by associated procurements.

Public procurements can drive and improve the State's economic engine through promotion of the use of New York businesses by its contractors. The State therefore expects bidders/proposers to provide maximum assistance to New York businesses in their use of the contract. The potential participation by all kinds of New York businesses will deliver great value to the State and its taxpayers.

Bidders/proposers can demonstrate their commitment to the use of New York State businesses by responding to the question below:

Will New York State Businesses be used in the performance of this contract? \_\_\_Yes \_\_\_No

If yes, identify New York State businesses that will be used and attach identifying information.