

**NEW YORK STATE  
DIVISION OF CRIMINAL JUSTICE SERVICES  
SFY 2013 REQUEST FOR APPLICATIONS**

**FIXED LICENSE PLATE READERS**

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**NEW YORK STATE  
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SFY 2013 REQUEST FOR APPLICATIONS**

**Fixed License Plate Readers**

**I. Introduction**

The New York State Division of Criminal Justice Services (DCJS) is requesting proposals from police departments that currently participate in Operation IMPACT to support the purchase of fixed license plate readers (LPRs). Placing these devices on key urban streets, roads or intersections that correspond to high-crime areas or serve as primary access and exit points in these jurisdictions provides law enforcement with a critical crime-solving tool, as the equipment enables them to document the passage of every vehicle through these locales. The utility of fixed LPRs has been demonstrated in the NYC metropolitan region and New York's northern border, where they already have been installed. DCJS has provided hundreds of portable LPRs to law enforcement agencies throughout the state, which can be deployed selectively (e.g., Amber Alerts), however, fixed readers ensure that priority locations are constantly monitored.

**II. Appropriation and Availability of Funds**

Subject to state appropriation authority, approximately \$500,000 is available for grant awards to support eligible programs, with the maximum award limited to \$125,000.

**III. Eligibility Requirements**

Eligibility is subject to the stipulation that the participating Operation IMPACT county also must be served by a DCJS Crime Analysis Center (CAC) capable of processing and analyzing LPR data; only the police department with the highest Part 1 crime total within the areas served by the CACs may apply.

**IV. Program Priorities**

The purpose of these demonstration projects is to assess the crime-deterrence and crime-solving utility of placing fixed LPR installations in key urban locations. It is expected that applicants will make a commitment to share the data and describe how the data will be shared locally, how it will be made available to the Crime Analysis Center, and how it will be made available to the statewide LPR data sharing network.

## **V. Application Specific Instructions**

### **General Application Information**

Applications must be submitted by the eligible police departments using the DCJS Grants Management System (GMS). See Attachment 1 “GMS Registration” if the applicant agency is not currently signed up to use GMS and Attachments 2 and 3 for more information about how to use GMS to apply for funding.

### **Accessing the Application on GMS**

To access a new application on GMS, log on to the system and click on “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”. Using the drop-down box, find and select “Operation IMPACT” (*NOT Operation IMPACT Tools Initiative*). Click “Create Project”. Your application will now be ready to complete.

### **Completing the Application**

Each application will consist of the following components that must be completed using GMS: participant name(s); contact information for all participating agencies per application; program specific questions; project budget; program work plan; Article 15-A M/WBE Utilization and EEO Staffing proposals (to be submitted via attachment in GMS).

Applications must be complete in order for the GMS submission to be successful. If you need assistance with accessing and using GMS, please contact the DCJS Office of Program Development and Funding at (518) 457-9787.

### **Rating of Applications**

Applications will be rated as pass/fail based on the completeness of the responses to each of the application components. Applicants must receive a passing score for each of the program-specific questions listed below and for the budget to qualify for funding. The Director of the DCJS Crime Analysis Center in the Office of Public Safety will score all applications.

### **Program-Specific Questions**

The following program-specific questions will not be found on the “Question” tab on GMS. Rather, the applicant must address each question below (labeling them “Response #1”, “Response #2”, etc.) using Microsoft Word and attach the documents to the application in GMS. See Attachment 3 “GMS Helpful Hints” for more information about attaching files in GMS.

1. Describe how the fixed LPRs will be deployed in your jurisdiction, including a discussion of the number of units you are requesting, the locations where you propose placing them and the reasons for selecting these locations (e.g., major access points, high-crime areas, prior situations encountered in these areas, etc.).
2. Describe how your department will utilize the data obtained from the LPRs, how frequently you will analyze the data, how it will be shared locally, how it will be made available to the Crime Analysis Center, and how it will be made available to the statewide LPR data sharing network. The response to this question may include a discussion of any daily briefings, reports, crime maps or other information you plan on disseminating both within and outside your department. It is suggested that the answer to this question be prepared in collaboration with your local Crime Analysis Center.

## **Budget**

Using the GMS Budget module, provide a line item budget detailing the grant-funded resources you are requesting to support this project. The police department will be wholly responsible for equipment and vendor selection, project management, project implementation and vendor payment. Approved expenses include hardware, software, equipment, and training as needed to support the installation. DCJS will not be responsible for any ongoing service charges, maintenance, repair costs or system management. Vendor quotes must be included for all covered expenses. DCJS understands that grant funds may not cover the entire cost of implementing this initiative. Therefore, all applicants must attach a brief (approximately 1 page) budget narrative in GMS that reflects a realistic appraisal of the overall cost of implementing this initiative and how local funds will supplement this grant if necessary.

In the GMS Budget module, click the button that reads “*Create new Budget Version for (your agency name)*” and enter each budget item. Be sure you choose the correct budget category from the drop-down box.

## **Program Work Plan**

In the GMS Work Plan module, enter “To Be Determined” for your Project Goal, Objective, Task, and Performance Measure. This is necessary in order for GMS to accept your application. Upon successful application and notification of award, DCJS staff will then assist awarded agencies with developing an appropriate program work plan, including project goal, objectives, tasks, and performance measures.

## **M/WBE 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) M/WBE Equal Employment Opportunity Staffing Plan as attachments to their GMS application as instructed in RFA Attachment 5.

DCJS will review the submitted Local Assistance M/WBE Equal Employment Opportunity Staffing Plan and the Local Assistance M/WBE Subcontractor/Supplier Utilization Proposal Form and advise the applicant of DCJS' acceptance once an award determination is made. There are no points attributable to this component of the application.

## **VI. Special Conditions and Prohibitions**

**All contracts for awards made under this Request for Applications will be written for a 12 month period starting on or about November 1, 2013.**

DCJS reserves the right to modify the contract period and/or the award amount of any contract based on reasons that include but are not limited to: funding cycles, inconsistent appropriation levels, demonstrated project need or exigent circumstances.

## **VII. RFA Inquiries**

Applicants may submit questions regarding this RFA to Les Hoffman via e-mail at [les.hoffman@dcjs.ny.gov](mailto:les.hoffman@dcjs.ny.gov). All questions must be received **by 12:00 p.m. (Noon) on September 16, 2013**. Please reference "DCJS LPR RFA" in the subject line of your email.

All questions and answers regarding this RFA will be shared with all eligible agencies via e-mail by September 19, 2013.

## **VIII. Submission Deadline**

Applications must be electronically submitted using the DCJS Grants Management System (GMS) **no later than 12:00 p.m. (Noon) on October 4, 2013**. See Attachments 1, 2, and 3 for information about use of GMS.

## **IX. Application**

*DUNS Number*

All applicants **MUST obtain** a DUNS (Data Universal Numbering System) number. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving Federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and sub-recipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, simple, one-time activity. Obtain one by calling **1-866-705-5711** or by applying online at <http://fedgov.dnb.com/webform/displayHomePage.do>. You must provide your DUNS number as part of your application.

### **Central Contractor Registration (CCR) Database**

All applicants (other than individuals) for federal financial assistance must maintain current registrations in the **Central Contractor Registration (CCR)** database. The CCR database is the repository for standard information about federal financial assistance applicants, recipients, and sub-recipients. Organizations that have previously submitted applications via Grants.gov are already registered with CCR, as it is a requirement for Grants.gov registration. **Please note**, however, that CCR registration must be updated or renewed **at least once per year** to maintain an active status. Information about registration procedures can be accessed at [www.ccr.gov](http://www.ccr.gov).

### **DCJS Grants Management System (GMS)**

**Applications must be submitted on-line via the DCJS GMS.** Applicants who do not currently have access to GMS must first submit a GMS Registration Form. (See attachment.) It is strongly suggested that the GMS User Manual be downloaded from the following web address: <http://www.criminaljustice.ny.gov/ofpa/gms.htm>.

Additionally, the authorized signer of contracts, hereafter referred to as the signatory, must submit a separate GMS eSignature registration form if not already registered. This allows general access to GMS as well as allows for eSignature of grants. All applications, once approved, will be processed as eSignature contracts. **Failure by an applicant to have an authorized signatory with eSignature rights will prevent submission of the application.** Both GMS registration forms can be e-mailed to [dcjsfunding@dcjs.ny.gov](mailto:dcjsfunding@dcjs.ny.gov) or faxed to (518) 457-1186.

A simplified set of instructions for submitting the application within GMS can be found as an attachment to this RFA. For GMS help that is not addressed in the RFA attachment or in the GMS Users Manual, please call the Office of Program Development and Funding at (518) 457-9787.

## **X. Timetable**

Application Deadline:	<b>12:00 P.M. (Noon) October 4, 2013</b>
Award announcements:	<b>On or about October 18, 2013</b>

## **XI. Award Methodology and Approval**

To qualify for funding consideration, applications must fulfill the minimum eligibility requirements for this RFA – i.e., eligible applicant as defined in Section III, complete application, and submission of application by the RFA deadline. Applicants that do not meet these eligibility requirements will be disqualified from consideration. Qualifying applications will be rated on a pass/fail basis. The applications will be reviewed by the Office of Public Safety’s Director of the Crime Analysis Center Program.

Recommendations for funding will be made to the Executive Deputy Commissioner of the Division of Criminal Justice Services by the Deputy Commissioner of the Office of Public Safety based on the areas of rating stated above. The Executive Deputy Commissioner of the Division of Criminal Justice Services will make the final award.

## **XII. Administration of Contracts – Standard Language**

DCJS will negotiate and develop a grant contract with the successful applicant (“grantee”). The grant contract is subject to approval by the NYS Office of the Attorney General and the Office of the State Comptroller before grant funding may actually be disbursed to reimburse project expenses. In the event that the grantee cannot begin contractual activities within 90 days of contract execution, DCJS reserves the right to rescind the selection and redistribute the grant funds.

### **Contract Approval**

All contracts are subject to the 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**

DCJS will enter into a contract for a period of 12 months. 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 the guidelines established by the State of New York and the federal government as applicable.

### **Contract Changes**

Contracts resulting from this RFA may be executed, increased, terminated, renewed, decreased, extended, amended, or renegotiated at the discretion of the Executive Deputy Commissioner of DCJS in light of a grantee’s performance, changes in project conditions, or otherwise.

### **Records**

The grantee will keep books, ledgers, receipts, personnel time and effort records, consultant agreements and inventory records pertinent to the project and consistent with DCJS contractual provisions and mandated guidelines. In accordance with the standard

contract Appendix A-1 (see “Standard Contract Provisions” below), grantee staff whose salaries are paid in whole or in part from grant funds shall maintain a time recording system that shows the time and effort devoted to the grant project.

### **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 the use of equipment purchased with grant funds.

### **Payments**

Payments to reimburse project expenses will be made pursuant to a schedule specified in the contract between the State of New York and the grant award recipient. Project expenses will be reimbursed for expenditures incurred during the contract period, and made in compliance with the contract budget and compliance with the project workplan.

### **Reports**

The grantee applicant will be required to work with DCJS or its designee to develop a project work plan that will become part of their contract and will form the basis of quarterly progress reports. The work plan will formalize and detail the applicant’s commitment to accomplishing the activities outlined in this application’s scope of work. It will state the program’s goals and will include, as tasks or performance measures, output indicators that outline program components, services and activities and estimate achievement of goals and objectives.

The grantee shall submit all reports to DCJS in a format and time frame as specified in the grant contract. Quarterly progress reports shall include a description of the grantee’s efforts undertaken during the reporting period and the current status of the project. The quarterly progress reports of the grantee’s activities under this contract must be submitted electronically as directed by DCJS. The grantee agrees to submit any other reports considered relevant by DCJS.

### **Review**

The grantee's performance in all areas mentioned above, in addition to the services contracted for, will be monitored periodically by DCJS. Monitoring will take the form of site visits, program file review, written and telephone communication, and any other methods deemed necessary by DCJS to ascertain the quality and quantity of grantee activities.

### **Disposition of Allocations**

DCJS reserves the right to reject applications, deny 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 of the contract start date may be revoked and redistributed at the discretion of the Executive Deputy Commissioner of the Division of Criminal Justice Services.

**Standard Contract Provisions**

Any contracts negotiated as a result of this RFA will be subject to the provisions of Appendix A, Appendix A-1, Appendix C, and Appendix M which contain the standard clauses for all New York State grant contracts with DCJS. Appendices are available on the DCJS website at <http://www.criminaljustice.ny.gov/ofpa/forms.htm>.

**Funding Prohibitions**

Funds awarded may not be used for the purchase of firearms or other deadly weapons; payment for school resource officers; private security guard services; out-of state travel unless pre-approved by DCJS; the preparation of project proposals, and indirect costs for governmental entities.

**XIII. RFA Technical Assistance**

Requests for technical assistance with accessing and using GMS may be directed to the DCJS Office of Program Development and Funding at (518) 457-9787.

Non-GMS questions regarding this RFA should be emailed to Les Hoffman at [les.hoffman@dcjs.ny.gov](mailto:les.hoffman@dcjs.ny.gov) by **12:00 p.m. (Noon) on Monday, September 16, 2013**. Please reference "DCJS LPR RFA" in the subject line of your email.

On **Thursday, September 19, 2013** DCJS will post answers to the received questions on our website at <http://www.criminaljustice.ny.gov/ofpa/newrfp.htm> without identifying questioners. **The deadline for applications is 12:00 p.m. (Noon) on October 4, 2013.**

## ATTACHMENT 1



### **NYS Division of Criminal Justice Services**

Alfred E. Smith Office 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 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 form – and the attached IRS W-9 form – via email attachment to [dcjsfunding@dcjs.ny.gov](mailto:dcjsfunding@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://www.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://www.criminaljustice.ny.gov/ofpa/gms.htm>. Fax to (518) 457-1186.

**Indicate here that form W-9 has been completed and faxed:**

## ATTACHMENT 2



NYS Division of Criminal Justice Services  
Alfred E. Smith Office Building  
80 South Swan Street  
Albany, NY 12210  
<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>.

## ATTACHMENT 3



NYS Division of Criminal Justice Services  
Alfred E. Smith Office Building  
80 South Swan Street  
Albany, NY 12210  
<http://criminaljustice.ny.gov>

**Office of Program Development and Funding**

### Helpful Hints

**First time GMS users should download the GSM User Manual located at <http://www.criminaljustice.ny.gov/ofpa/gms.htm>.**

Persons familiar with NYS-DCJS GMS can use the simplified guidelines below.

1. Sign on to GMS.
2. Go to project grid. 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 “*Operation IMPACT*” (*NOT Operation IMPACT Tools Initiative*)
3. Click “*Create Project*”

In the newly created project, complete the following modules:

#### Project Title

Please use “(City Name) Fixed License Plate Readers” as the project title.

#### Participants/Contacts

Click on “**Add Participant**” and in the search prompt that appears type in your agency name. 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.

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, 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 Primary, Signatory and Fiscal contacts**.

***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 at that time. You will NOT be able to submit the application without a signatory attached.***

#### Program Specific Questions

These program specific questions will not be found on the “Question” tab on GMS. Rather, the applicant must answer the questions (labeling them #1,#2, etc.) separately using Microsoft Word

or a comparable word processing program and attach the document with the answers to the application in GMS.

## **Budget**

You will see a button that says “*Create new Budget Version for (your agency name)*”. Click on this button and enter each budget item. Be sure you choose the correct budget category from the drop-down box.

## **Program Workplan**

- In the **Project Goal** text box, enter “To Be Determined” and click “*Save*”;
- Click “*Create New Objective*”, enter “To Be Determined” in the text box and click “*Save*”;
- Click “*Add Task to this Objective*”, enter “To Be Determined” in the text box and click “*Save*”;
- Click “*Add Performance Measure to this Task*”, enter “To Be Determined” in the text box and click “*Save*”.

## **Attachments**

Answers to the program specific questions for this RFA and the M/WBE Utilization and EEO Staffing forms (see Attachment 6) must be attached to your application in GMS. Click on the **Attachment** link on the left frame of the GMS. The **Attachment** grid will then display on the right frame of the screen. Upload the attachments.

If you are unable attach the Program Specific Questions, M/WBE Utilization and/or EEO Staffing forms in GMS, they may be sent to:

NYS Division of Criminal Justice Services  
Office of Program Development and Funding  
Alfred E. Smith Office Building  
80 South Swan Street  
Albany, NY 12210  
(518) 457-8404  
[funding@dcjs.ny.gov](mailto:funding@dcjs.ny.gov)

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.

## **ATTACHMENT 4**

### ***FINAL CHECKLIST***

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Before submitting your application, make sure that you:

- Complete Response #1 – #2, the “Program Specific Responses”, on a separate document and attach it to the application in GMS.
- Complete the Budget
- Completed and attach the Local Assistance M/WBE Equal Employment Opportunity Staffing Plan and the Local Assistance M/WBE Subcontractor/Supplier Utilization Proposal Form

If you are unable to attach the M/WBE Utilization Proposal to GMS, please contact:

NYS Division of Criminal Justice Services  
Office of Program Development and Funding  
Alfred E. Smith Office Building  
80 South Swan Street  
Albany, NY 12210  
[funding@dcjs.ny.gov](mailto:funding@dcjs.ny.gov)

**The application must be submitted on-line via the DCJS Grants Management System no later than 12:00 P.M. (Noon), October 4, 2013.**

## **ATTACHMENT 5**

### **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 South Swan Street, 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.**