

**NEW YORK STATE  
DIVISION OF CRIMINAL JUSTICE SERVICES  
SFY 2014 REQUEST FOR APPLICATIONS**

**CRIME ANALYSIS CENTERS**

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**CRIME ANALYSIS CENTERS**

**I. Introduction**

The New York State Division of Criminal Justice Services, Office of Public Safety announces the availability of funding to provide continued support for currently funded crime analyst positions assigned to the Crime Analysis Centers in Albany, Erie, Monroe, and Onondaga Counties. The Crime Analysis Centers (CACs) were developed in these counties based on the volume of Part 1 crime and firearm-related crime and because of recognition of the need to analyze Part 1 crime data on a regional level due to shared incidents and offenders.

**II. Appropriation and Availability of Funds**

The funding available for distribution to the four Crime Analysis Centers is approximately \$1,200,000. The Crime Analysis Center Request for Applications (RFA) is competitive; all applicants currently receiving funding for specific crime analyst positions (see Section III, Eligibility Requirements) must submit an application in response to this RFA in order to continue to receive funding for those positions. Grant award contracts will be for a twelve month period, beginning on July 1, 2014 and ending on June 30, 2015.

All requests for funding must be to support DCJS-funded crime analysts that are currently assigned full-time to their respective Crime Analysis Centers. All awards made in response to this RFA will support crime analyst positions working solely under the direction of their respective Center Director.

**III. Eligibility Requirements**

- Not-for-profit agencies (e.g. universities and institutes specializing in the criminal justice or public safety field) who have received and/or administered funding to support civilian crime analyst positions (that were created in 2008 to be assigned to one of the four Crime Analysis Centers) are eligible to apply for funding through this RFA.

**IV. Program Priorities**

The Crime Analysis Centers' main priority is to provide a centrally located, multi-jurisdictional unit responsible for conducting in-depth regional analysis of crime and to share that analysis with the local Gun Involved Violence Elimination (GIVE) Initiative jurisdiction and other jurisdictions. This analysis provides a comprehensive picture of the criminal environment within the particular counties where the Centers exist and as appropriate an overview of neighboring jurisdictions, allows law enforcement executives to make more informed decisions in the areas of strategic planning and tactical deployment, and aids investigators in solving crimes.

The crime analysts supported through this RFA will be solely dedicated to their respective Crime Analysis Center and will work under the direction of the Center Director.

## V. Application Specific Instructions

### General Application Information

One application should be submitted per Crime Analysis Center. Applications must be submitted 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.

Applications will be accepted from eligible not-for-profit agencies (e.g. universities and institutes specializing in the criminal justice or public safety field) that have received and/or administered funding to support civilian crime analyst positions (that were created in 2008 to be assigned to one of the four Crime Analysis Centers).

### 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 “*Crime Analysis Center 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; and program work plan.

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.

### Numerical Rating of Application

A numerical rating will be awarded based on the completeness of the response to each of the following application components. The maximum number of points for each application component is noted below. The total maximum score for this RFA is 100 points. Additionally, **up to 10 points may be deducted** based upon an applicant’s past compliance with DCJS grant programs with respect to the submission of quarterly progress reports and fiscal cost reports. Applicants who are eligible for funding must receive a score of **at least 70** in order to be considered for an award.

### Program Specific Responses (80 points)

The following are program specific responses regarding the crime analysts currently assigned to one of the four Crime Analysis Centers. These program specific responses will not be found on the “Question” tab on GMS. Rather, the applicant must address each response 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 crime patterns, crime trends and crime problems have been identified and analyzed to date at the Crime Analysis Center. Give examples of major cases that have been assisted through the use of crime analysis.

*(20 points)*

2. Describe how information developed at the Crime Analysis Center is disseminated to the law enforcement community (include reports, daily briefings, crime maps, etc.).

*(20 points)*

3. Provide the name, education, relevant work experience, job duties and any specialized training for each crime analyst currently support by DCJS grant funds at the Crime Analysis Center. Also what training requirements or specialized needs have been identified for the crime analysts if funding is provided from this RFA?

*(20 points)*

4. Part of the grant requirements is continued support by your agency for the Crime Analysis Center. How does your agency plan to provide continued future support to the Crime Analysis Center?

*(20 points)*

### **Budget (20 points)**

Using the GMS Budget module, provide a line item budget detailing the grant-funded resources you are requesting to support this project. Be sure to provide a brief justification for each requested item. Allowable costs are limited to funding to cover the cost of employment of the crime analysts, essential administrative costs, overtime, travel and training, and annual membership dues for the International Association of Crime Analysts. Please note that fringe benefits may not be charged for overtime expenses. Travel and training costs may also be requested for analysts assigned to the center who are not funded through this grant but contribute to the overall goal of the centers and the intended purpose of this funding. Each application must clearly outline the amount of funding that is being requested for consultant services to cover the salaries of crime analysts and the funding that is being requested for administrative costs. Indirect costs are capped at last year’s rate of 15%, with the understanding that the funding awarded through this RFA is intended to be used to directly support the various Crime Analysis Centers. However, indirect costs are not applicable for governmental entities. Not-for-profit agencies, applying on their own, should also show the breakdown between salary and fringe benefits. **Funding requests for equipment, supplies, or any other budget category, will not be considered through this RFA.**

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. GMS will accept up to 20 budget versions, although in order for a button to be available on the budget tab, your agency must be listed on the “*Participants*” tab.

### **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. Accordingly, there are no points attributed to this component of your application.

### **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 5 (Encouraging Use of New York State Businesses in Contract Performance) and submit the completed form as an attachment to their GMS application.

There are no points attributable to this component of the application.

### **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 (M/WBEs), as well as the employment of minority group members and women in the performance of DCJS contracts. All DCJS grant contracts in excess of \$25,000 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 requesting in excess of \$25,000 must submit a M/WBE Equal Employment Opportunity Staffing Plan (DCJS-3300), a Local Assistance M/WBE Subcontractor/Supplier Utilization Proposal Form (DCJS-3301) and a Local Assistance M/WBE NPS Discretionary Budget Determination Worksheet (DCJS-3309) (Note: Submit as Word and/or Excel document attachments as warranted.). For more information about this requirement please visit: <http://www.criminaljustice.ny.gov/ofpa/mwbe/index.htm>

DCJS will review the submitted Local Assistance M/WBE Equal Employment Opportunity Staffing Plan, the Local Assistance M/WBE Subcontractor/Supplier Utilization Proposal Form and Local Assistance M/WBE NPS Discretionary Budget Determination Worksheet 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 the period July 1, 2014 through June 30, 2015.**

DCJS reserves the right to modify the contract period and/or the award amount of any application, subject to the availability of state funds and not limited to proposal cost effectiveness and reasonableness of the proposed project budget. Contracts for funding are subject to demonstrated responsiveness to project need, grantee performance, funding cycles, appropriation levels, grantee compliance, exigent circumstances, or number and location of qualifying applications.

**Budget reallocations on Crime Analysis Center contracts will be allowed only under extraordinary circumstances and may only be approved by the Deputy Commissioner of the Office of Public Safety, subject to other necessary State approval.**

## VII. RFA Inquiries

Applicants may submit questions regarding this RFA to Les Hoffman, DCJS Program Manager, Office of Public Safety, via e-mail at [les.hoffman@dcjs.ny.gov](mailto:les.hoffman@dcjs.ny.gov). All questions must be received **by Noon on Thursday, April 17, 2014**. All questions and answers regarding this RFA will be shared with all eligible agencies via e-mail **by close of business Thursday, April 24, 2014**.

## VIII. Submission Deadline

Applications must be electronically submitted using the DCJS Grants Management System (GMS) **no later than Noon on Thursday, May 1, 2014**. See Attachments 1, 2, and 3 for information about use of GMS.

## IX. Application

### Vendor Prequalification Requirements

The State of New York has implemented a new statewide prequalification process designed to facilitate prompt contracting for not-for-profit vendors. Interested vendors are asked to submit commonly requested documents, and answer frequently asked questions once. The application requests organizational information about the vendor's capacity, legal compliance, and integrity. To learn more about prequalification, go to the Grants Reform website (<http://www.grantsreform.ny.gov/Grantees>) where you can preview the questions and required documents. **All not-for-profit vendors, private colleges and universities, and the research foundations of SUNY and CUNY are required to prequalify on the Grants Gateway prior to grant application.** Private, for-profit organizations are exempt from this requirement. Following is a summary of the steps that must be undertaken in order for you to prequalify:

- Go to the Grants Reform website (<http://www.grantsreform.ny.gov/Grantees>) and download a copy of the Registration Form. Please review the instructions for submission of this Form. The form must be signed and notarized by an authorized representative of your organization, and must be sent to the Division of Budget as soon as possible in order to gain access to the Grants Gateway to enable prequalification.

- Upon submission of your Registration Form, you will be provided with a User ID allowing you to gain access to the Gateway. From there, please logon to the Gateway System ([https://grantsgateway.ny.gov/IntelliGrants\\_NYSSGG/login2.aspx](https://grantsgateway.ny.gov/IntelliGrants_NYSSGG/login2.aspx)) and begin your Prequalification Application.
- Vendors who already submitted registration materials and received their user credentials can begin to upload documents into the Document Vault and complete their online Prequalification Questionnaire.

As you fill out the Questionnaire, please refer to the Gateway Training Materials and resource links posted on the “grantees” section of the Grants Reform website to help you navigate the questionnaire. If you still have questions, simply contact the DCJS Office of Program Development and Funding at (518) 457-9787 or post your question to [GrantsReform@Budget.ny.gov](mailto:GrantsReform@Budget.ny.gov), and someone will get back to you quickly with a response.

## 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 for any agency, 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 [funding@dcjs.ny.gov](mailto:funding@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 PM (Noon), May 1, 2014</b>
Award announcements:	<b>On or about June 2, 2014</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 with a 100 point rating scale. Review scores will be averaged to obtain a final average score and a rank ordering of application scores from highest to lowest. Applicants who are eligible for funding must receive a score of at least 70 on this RFA in order to be considered for an award. The applications will be reviewed by the Deputy

Commissioner of the Office of Public Safety, the Director of the Office of Public Safety, and/or the Crime Analysis Center Program Manager.

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 awards.

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

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, DCJS reserves the right to rescind the award 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 generally enter into contracts with grantees for one year. However, 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.

**Contract changes** - Contracts resulting from this RFA may be executed, extended, increased, terminated, renewed, decreased, amended, or renegotiated at the discretion of the Executive Deputy Commissioner of the Division of Criminal Justice Services.

**Records** - Grantees must keep books, ledgers, receipts, personnel work records, consultant agreements and inventory records pertinent to the project and consistent with DCJS contractual provisions and 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 or DCJS for injury incurred during the performance of approved activities or caused by the use of equipment purchased with grant funds.

**Payments** - Payments will be made pursuant to a schedule specified in the contract between DCJS and the grantee receiving the grant award. Project expenses will be reimbursed based on expenditures made in compliance with the contract budget and compliance with the program work plan.

**Reports** - A progress report of the grantee's activities under this contract will be due quarterly pursuant to a schedule specified in the contract between DCJS and the grantee.

**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** – Grant contracts executed as the result of this program announcement will be subject to terms and conditions of Appendix A (Standard Clauses for New York State Contracts) and Appendix A-1 (Agency-specific Clauses) which are available for review at <http://www.criminaljustice.ny.gov/ofpa/gms.htm>.

## 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 [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://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.

**The following instructions apply ONLY to applicants applying under the DCJS Crime Analysis Centers Request for Applications.**

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 “*Crime Analysis Center Initiative*”
3. Click “*Create Project*”

In the newly created project, complete the following modules:

#### Project Title

Please use “(County Name) Crime Analysis Center” 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. GMS will accept up to 20 budget versions, although in order for a button to be available on the budget tab, your agency must be listed on the “*Participants*” tab.

## 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 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 attachment.

If you are unable to attach the Program Specific Questions in GMS, they may be sent to:

Michael Passaro, Criminal Justice Program Representative  
NYS Division of Criminal Justice Services  
Alfred E. Smith Office Building  
80 South Swan Street  
Albany, NY 12210  
[Michael.Passaro@dcjs.ny.gov](mailto:Michael.Passaro@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**

### **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.**

## **ATTACHMENT 5**

### **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.

## ATTACHMENT 6

### *FINAL CHECKLIST*

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Before submitting your application, make sure that you:

- Complete Response #1 – #4, the “Program Specific Responses”, on a separate document and attach it to the application in GMS.
- Complete the Budget.
- Complete and attach the Local Assistance M/WBE Equality Employment Opportunity Staffing Plan, the Local Assistance M/WBE Subcontractor/Supplier Utilization Proposal Form, and the Local Assistance M/WBE NPS Discretionary Budget Determination Worksheet.
- Complete and attach the form “Encouraging Use of New York State Businesses in Contract Performance” (RFP Attachment 5) as outlined in Section V.
- Complete Prequalification in the Grants Gateway.

If you are unable to attach the Program Specific Responses to GMS, please contact:

Michael Passaro, Criminal Justice Program Representative  
NYS Division of Criminal Justice Services  
Alfred E. Smith Office Building  
80 South Swan Street  
Albany, NY 12210  
[Michael.Passaro@dcjs.ny.gov](mailto:Michael.Passaro@dcjs.ny.gov)  
Phone: (518) 457-3776

**The application must be submitted on-line via the DCJS Grants Management System no later than 12:00 PM (Noon) on May 1, 2014.**