

***New York State Division of Criminal Justice Services***

**SFY 2014 - 2015 Crimes Against Revenue Program**

***Request for Proposals***

***Due May 30, 2014***



**ANDREW M. CUOMO  
GOVERNOR**

**MICHAEL C. GREEN  
EXECUTIVE DEPUTY COMMISSIONER**

**Key Dates and Notices**

- The application deadline is 4:00 PM on Friday, May 30, 2014. Applications submitted after the deadline will not be considered for funding.
- Questions regarding this Request for Proposals may be emailed to [funding@dcjs.ny.gov](mailto:funding@dcjs.ny.gov) until 12:00 PM (noon) on Thursday, May 8, 2014. Responses to questions will be posted on the DCJS website on Wednesday, May 14, 2014.
- Applications must be submitted on-line via the Grants Management System (GMS). If applicants are not registered to access GMS, it should be a priority to obtain user access. Instructions for obtaining GMS access are included in this Request for Proposals.
- Applicants approved for funding will be advised via a letter of notification on or about Monday, June 16, 2014 with an earliest contract start date of July 1, 2014.

***New York State Division of Criminal Justice Services***  
**SFY 2014 - 2015 Crimes Against Revenue Program (CARP)**

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## I. INTRODUCTION

This Request For Proposals (RFP) is for the Crimes Against Revenue Program (CARP) for the State Fiscal Year (SFY) 2014-15 and will award approximately \$1.4 million of CARP funds through a competitive process. The goal is to combat financial crimes which wrongfully deprive New York State of funds to which it was otherwise due. Funding provided under this grant program is to be used to generate revenue owed to the State through effective investigation and prosecution efforts (see Attachment A for the credited revenue related offenses). This RFP is applicable for one-time funded CARP grants for SFY 2014-15, and should not be considered as a “continuous funding stream” or “guaranteed” funding for such purposes in the future. Additional ongoing funding will be available through a solicitation to be released at a later date during this State Fiscal Year.

This funding is available for the following purposes:

- For new county jurisdictions that have not previously participated in the CARP program for up to \$100,000 each (Attachment B); and
- For current CARP participants that receive \$500,000 or less and wish to submit an “*Additional Prosecution Plan*” supplementing their current SFY 2013 – 2014 award with one time funding up to \$100,000. This will supplement the current Work Plan activities in the current SFY 2013 – 2014 CARP grant to investigate and prosecute a specific project of CARP investigation.

## II. ELIGIBILITY, AVAILABLE FUNDS, AND CONTRACT PERIOD

### Eligibility

Funding under this grant program is extended to those district attorneys’ offices currently participating in the program for a specific, one-time Additional Prosecution Project which supplements their currently funded CARP grant. Applicants must be one of the district attorney’s offices currently participating in CARP (see Attachment B) and are receiving less than \$500,000 in their current contract award.

CARP funding is also available to district attorneys’ offices not currently funded who seek to participate in the program for the first time. Applicants must be one of the district attorneys’ offices listed on the second page of Attachment B.

### Available Funds

Up to \$1.4 million is available for competitive awards to existing and new CARP participants. Applicants must demonstrate how funds will be used to increase the applicant’s ability to investigate and prosecute revenue-related crimes. One time grants of up to \$100,000 are available to eligible counties. 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.

## **Contract Period**

Grants will be awarded for a period of 12 months from July 1, 2014 to June 30, 2015. Applicants should ensure that all costs can be encumbered by the contract end date. **Funds awarded under this program shall be used to augment, and not supplant, existing Federal, State, and local funding.**

There is no match requirement for grant awards, but each applicant will be required to agree to a standard Work Plan and a signed Memorandum of Understanding (MOU) with the State Department of Taxation and Finance (DTF). Please refer to Addendum 1 for the MOU.

## **III. SCOPE OF WORK**

### **Competitive Funds for Existing Grantees**

Current CARP participants whose current award is \$500,000 or less are eligible to apply for competitive funds to enhance their current capacity to prosecute crimes against revenue.

Applicants seeking competitive funds must provide an Additional Prosecution Plan that describes the steps the applicant will take to enhance the current capacity to investigate and prosecute crimes against revenue. The Plan should detail ways in which the additional funding will result in greater prosecution of revenue-related crimes as well as the applicant's ability to effectively generate revenue related to such crimes.

Awards of competitive funds for eligible applicants will be prioritized based on:

- The quality and completeness of the Additional Prosecution Plan;
- Identification of current crimes against revenue not being pursued as a result of the lack of capacity within the existing CARP contract;
- Demonstrated need;
- Demonstrated use of dedicated staff;
- All the factors relevant to the current contract including previous performance under the grant and compliance with the MOU; and
- Other factors deemed relevant by the Department of Taxation and Finance and the Division of Criminal Justice Services.

### **Funds for First-Time Applicants**

District attorneys' offices not currently CARP participants are eligible to apply for competitive funds to investigate and prosecute crimes against revenue. New applicants will be allowed to budget for costs that include: personnel salaries; fringe benefits (for CARP-funded personnel salaries only); investigation and audit services provided on a consultant basis; equipment; travel and supplies directly related to prosecuting crimes against revenue.

Awards for newly eligible participants will be determined based on:

- The quality and completeness of the application;
- Identification of potential crimes against revenue within the county;
- Demonstrated need;

- Demonstrated willingness to investigate and prosecute crimes against revenue; and
- Other factors deemed relevant by the Department of Taxation and Finance and the Division of Criminal Justice Services.

#### **IV. APPLICATION REQUIREMENTS**

The following areas are to be addressed in the application. Sections IV (A) and (D) must be addressed by all applicants; Section IV (B) must be addressed by existing CARP participants seeking Additional Prosecution Plan funding; and Section IV (C) must be addressed by new CARP applicants. Maximum points available for each component of the application for competitive funds are noted parenthetically.

**PLEASE NOTE: Applicants must enter N/A for those questions you are NOT required to complete for GMS to accept your application.**

##### **A. Program Work Plan – ALL APPLICANTS**

The Work Plan section of your GMS application is a standardized plan (See Attachment C). Enter the statements that appear as the Goal, Objectives, Tasks and Performance Measures for your project. This is the “basic” Work Plan that is a fixed feature of all CARP grants.

##### **B. Additional Prosecution Plan - Existing CARP Grantees Only (80 Points)**

District Attorneys’ offices applying for Additional Prosecution Plan funds must provide additional Objectives, Tasks, and Performance Measures which support the request for funds in this application. Objectives, Tasks and Performance Measures for projects to be supported with these funds should reflect the actions to be undertaken as outlined in the applicant’s Additional Prosecution Plan.

Within the “Questions” section of GMS, existing CARP participants must identify the initiatives to be supported with these additional funds and explain the need for these new funds beyond the capacity of their existing CARP grant for Calendar Year 2014. The Plan may also address proposed investigation and prosecution of non-tax revenue crimes and may include provisions for working with State agencies other than DTF, such as the Department of Labor and the Workers’ Compensation Board.

The Additional Prosecution Plan is to be formatted with double-spaced, single-sided pages, 12-point font and one-inch margins. There is no minimum length required for the Plans, but the maximum shall not exceed ten pages in length. Applicants are encouraged to first prepare their plans using word processing software and, when final, copy and paste their answers into the appropriate fields in GMS. Descriptions of the proposed projects should address the following:

- (1) (20 Points)** Describe the applicant’s current efforts to investigate and prosecute crimes against revenue and the effectiveness of those efforts. To the extent possible, responses to this question should include the following:
  - a. Types of crimes currently being prosecuted and how these additional funds will be used to complement the existing grant efforts or a new project.
  - b. Any additional information reflecting how these additional funds will enhance the effectiveness of efforts to investigate or prosecute crimes against revenue.

- c. Expected outcomes with the use of the requested funds.
- (2) (30 Points)** Describe the proposed project strategy for enhancing the applicant’s capacity to investigate and prosecute revenue-related cases and increase the generation of State revenue. Responses should address the following question and should cross-reference the project Budget and Work Plan as appropriate:
- a. Specifically identify the proposed initiative to be investigated and prosecuted and the particular forms of revenue crime being targeted.<sup>1</sup> Provide, to the extent possible, indications what the conduct is an issue; strategies for investigating that issue; staff or other resources that would be deployed; and projections as to the number of cases, dispositions, sentences and recoveries.
- (3) (30 Points)** Describe any proposed measures to ensure the effective performance under the grant; compliance with the terms of the grant and the MOU; and accountability for CARP funds, including:
- a. Identify the percentage of effort that will be used for Assistant District Attorneys (ADA’s) working on CARP matters, as well as the percentage of the award that will be used for investigators/auditors working on CARP matters. Full-time assignment enhances focus, expertise and accountability; therefore higher percentages will result in higher scoring on the application.
  - b. Identify any measures (such as recordkeeping, certification, and internal audit) to ensure that full-time budgeted staff work full-time on CARP matters and that staff budgeted to work part-time on CARP matters do so to the extent budgeted.
  - c. Identify any measures to ensure regular and full communication between the applicant’s staff and the staff of DTF or other relevant agencies, including measures such as the scheduling of regular meetings with local DTF staff.
  - d. Discuss the revenue generated by the county from awards granted in prior years. Specifically present how these additional funds will enhance and increase the revenue generation of the county CARP program.

**C. First-Time CARP Applicants (80 Points)**

Awards up to \$100,000 will be made available for counties not currently participating in CARP (see page 2 of Attachment B).

In addition to the basic Work Plan (see IV. A) District Attorneys’ offices applying for first-time funding may provide additional Objectives, Tasks, and Performance Measures for projects to be supported with CARP funds to reflect the actions to be undertaken as outlined in each applicant’s Prosecution Plan.

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<sup>1</sup> Solely as examples of the kinds of projects that might be included are: individuals who provide home repair services and do not report the resulting income; sales tax violations rampant in a particular industry; purchasers of used cars who under-report the purchase price to DMV and thereby underpay sales tax; or construction enterprises that employ “off-the-book” workers and thereby underpay withholding taxes, unemployment insurance premiums and workers’ compensation premiums.

The Prosecution Plan should be written in clear terms and demonstrate a willingness to work with the New York State Department of Taxation and Finance (DTF) with respect to the investigation and prosecution of tax-related cases. The Plan may also address proposed investigation and prosecution of non-tax revenue crimes and may include provisions for working with State agencies other than DTF, such as the Department of Labor and the Workers' Compensation Board.

The Prosecution Plan is to be formatted with double-spaced, single-sided pages, 12-point font and one-inch margins. There is no minimum length required for the Plans, but the maximum shall not exceed ten pages in length. Applicants are encouraged to first prepare their plans using word processing software and copy and, when final, paste their answers into the appropriate fields in GMS. Descriptions of the proposed projects should address the following:

Applications will be reviewed and scored based on the following point distributions:

- (1) (40 Points)** Describe the proposed project strategy for investigating and prosecuting revenue-related cases and to increase the generation of State revenue related to these offenses. Responses should address the following questions and should cross-reference the project Budget and Work Plan as appropriate:
- a. Specifically identify the proposed initiative(s) to investigate and prosecute and identify the targeted revenue crime.<sup>2</sup> For each initiative, provide, to the extent possible, reasons that the conduct needs to be addressed; strategies for investigating that conduct; staff or other resources that would be deployed; and projections as to the number of cases, dispositions, sentences and recoveries.
  - b. Other than initiatives identified in (a) above and measures identified in (2) below, what strategies are planned for this grant, including:
    - i. What efforts will be undertaken to investigate the identified crimes against revenue?
    - ii. What efforts will be undertaken to work in concert with the Department of Taxation and Finance to meet the goals of the program?
    - iii. Describe how the funding resources will provide new opportunities to generate State revenue.
    - iv. What efforts will be undertaken to prosecute crimes against revenue?
- (2) (40 Points)** Describe any proposed measures to ensure the effective performance under the grant; compliance with the terms of the grant and the MOU; and accountability for CARP funds, including:

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<sup>2</sup> Solely as examples of the kinds of projects that might be included are: individuals who provide home repair services and do not report the resulting income; sales tax violations rampant in a particular industry; purchasers of used cars who under-report the purchase price to DMV and thereby underpay sales tax; or construction enterprises that employ "off-the-book" workers and thereby underpay withholding taxes, unemployment insurance premiums and workers' compensation premiums.

- a. Identify the percentage of effort that will be used for ADA's working on CARP matters, as well as the percentage of the award that will be used for investigators/auditors working on CARP matters. Full-time assignment enhances focus, expertise and accountability; therefore higher percentages will result in higher scoring on the application.
- b. Identify any measures (such as recordkeeping, certification, and internal audit) to ensure that full-time budgeted staff work full-time on CARP matters and that staff budgeted to work part-time on CARP matters do so to the extent budgeted.
- c. Identify any measures to ensure regular and full communication between the applicant's staff and the staff of DTF or other relevant agencies, including measures such as the scheduling of regular meetings with local DTF staff.

**D. Budget – ALL APPLICANTS (20 Points)**

The Budget section of your GMS application must have grant funds broken out by appropriate category of expense (e.g., Personnel, Fringe Benefits, and Consultants). Budgets should reflect total projected costs for a 12-month contract period.

**Eligible costs include:** personnel salaries; fringe benefits (for grant-funded salaries only); investigation and audit services provided on a consultant basis; and are directly related to prosecuting crimes against revenue.

- 1) Clearly describe how expenditures contribute to the implementation of the project.
- 2) Include the percent of time for each personnel line in the budget in terms of FTE's or number of hours and rate of pay for part-time employees. Budget scoring will include an assessment of the capacity for projected staff to fulfill the project's scope of work.

In the space provided, or in a separate attachment (**PLEASE NOTE: enter NA if you submit an attachment for GMS to accept your application**), provide a brief narrative justification for each requested budget item demonstrating how the requested item is essential to implement the proposed Strategic Plan (new applicants) or the Additional Prosecution Plan (current grantees). Every requested personnel item must list the position and the percentage of that position's time that will be supported by this grant.

**Ineligible costs include:** overtime; capital construction and renovation; governmental indirect costs; and the purchase of firearms or other deadly weapons.

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

New York State businesses have 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 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, all applicants must complete the form provided in RFP Attachment F (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

## V. APPLICATION PREPARATION AND SUBMISSION

Grant applications should be submitted to the automated DCJS Grants Management System (GMS) **by 4:00 P.M. Friday, May 30, 2014**. When accessing the GMS system to complete an application, click Project>New, then “Crimes Against Revenue” as the funding program. (See Attachment D for guidance.)

You must ensure that the signing official for your agency 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.state.ny.us/ofpa/gms.htm>. 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 please contact DCJS' Office of Program Development & Funding at (518) 457-8462 or at [dcjsfunding@dcjs.ny.gov](mailto:dcjsfunding@dcjs.ny.gov)

## VI. AWARD METHODOLOGY

The Division of Criminal Justice Services will provide oversight of the grant review process. Award amounts for competitive funding will be determined based on demonstrated need and quality and completeness of the application. Applications will be rated using a two-tiered system of review. All applications are subject to review on Tier 1 “pass/fail” criteria and, if qualified, will be advanced for Tier 2 review described below.

All final award decisions will be made by the Commissioner of the Division of Criminal Justice Services based on staff reviews, ratings and the recommendations made in accordance with the criteria described below. Nothing herein requires DCJS to approve grant funding for any applicant.

### **Tier 1: Qualifying Criteria**

Qualifying criteria are conditions that must be met in order for an application to be advanced to Tier 2 of the review process. **Any application that does not meet all of the criteria outlined in this section will be automatically disqualified from further review.** All applications MUST:

1. Be submitted by an eligible applicant;
2. Include all required information described in the applicable parts of Section IV, “Application Requirements”; and
3. Be submitted via the DCJS Grants Management System (GMS), in accordance with Section V,

by the stated application deadline.

**Tier 2: Application Scoring Process**

Applications that meet all of the criteria outlined in Tier 1, “Qualifying Criteria,” will be subject to Tier 2 of the review process and will be rated by designated State agency staff members.

**Applications for first-time CARP** funding will be reviewed using a rating scale that will result in a total maximum allowable score of 100 points. Points will be credited as follows:

- Up to 20 points may be awarded for the Budget;
- Up to 80 points may be awarded for the Prosecution Plan is as follows:
  - up to 40 points for Response Requirements under Section IV(1); and
  - up to 40 points for Response Requirements under Section IV(C) (2).
- No points will be awarded for the basic Work Plan, which is outlined in Section IV.A “Application Requirements.” The basic Work Plan is a standard template developed by DCJS for this grant program and is a required component for all applications.

**Applications for Additional Prosecution Plan funding by current CARP grantees** will be reviewed using a rating scale that will result in a total maximum allowable score of 100 points. Points will be credited as follows:

- Up to 20 points may be awarded for the Budget;
- Up to 80 points may be awarded for the Additional Prosecution Plan is as follows:
  - up to 20 points for Response Requirements under Section IV (B)(1);
  - up to 30 points for Response Requirements under Section IV (B)(2); and
  - up to 30 points for Response Requirements under Section IV (B) (3).

Applications will be scored by two State agency staff members and those scores will be averaged to obtain the final score. Subsequent to staff review, the Executive Deputy Commissioner of the Division of Criminal Justice Services will review each application and the scored evaluations conducted by State agency staff. The Executive Deputy Commissioner will make final decisions regarding the funding of projects and individual award amounts based on the quality of each application, the recommendations of the reviewers, and the criteria set forth in this RFA.

**VIII. TIMELINE**

Request for Applications Issued:	<b>April 28, 2014</b>
Deadline for Applications:	<b>4:00 p.m. on May 30, 2014</b>
Award Announcements: on or about	<b>June 16, 2014</b>

**IX. RFP QUESTIONS**

Due to the competitive component of this grant solicitation, DTF and DCJS staff will not privately address any questions regarding the RFA except to provide GMS technical assistance. All questions regarding this RFP (except GMS-related questions) will be accepted through 12:00 P.M. (noon) of May 8, 2014 and must be emailed to [funding@dcjs.ny.gov](mailto:funding@dcjs.ny.gov). Please reference “2014 - 2015 CARP RFP” in the subject line of your email. Responses to all questions that are received by the due date and time will be posted on May

14, 2014 on the DCJS website at <http://www.criminaljustice.ny.gov/ofpa/newrfp.htm>.

## **X. NOTIFICATION OF AWARD**

Applicants recommended for funding will be advised by DCJS through a letter of notification. Once a project is approved, contracts will then be negotiated and developed. An applicant whose proposal is not selected for funding will be so notified by letter.

All notification letters will be sent on or about **June 16, 2014**.

## **XI. ADMINISTRATION OF CONTRACTS**

DCJS will negotiate and develop a grant contract with the successful applicant(s) (“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 an initial 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 RFP 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 will be required to work with DCJS or its designee to develop a project workplan that will become part of their contract and will form the basis of quarterly progress reports. The workplan will formalize and detail the applicant's commitment to accomplishing the activities outlined in this application's scope of work as described herein.

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. Independent of any reporting schedule, all grantees will be required to inform DCJS of any program issues that are significantly impacting program performance.

Any project funded under this RFP must comply with the requirements established 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 Commissioner of the Division of Criminal Justice Services.

### **Standard Contract Provisions**

Any contracts negotiated as a result of this RFP 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>.

### **Mandatory Contract Provisions**

Any contracts negotiated as a result of the CARP Grant Program RFP will be subject to the provisions of Appendix A and Appendix A-1, which contain the Standard Clauses for New York State Contracts with DCJS. Appendices are available on the DCJS website at: <http://criminaljustice.state.ny.us/ofpa/forms.htm>

## Final Application Checklist

Applicants must submit their applications electronically through the DCJS Grants Management System (GMS). Before submitting your application, ensure that you have:

- Provided responses to all items outlined in Section IV in the specified format.
- Completed a line item budget in the GMS budget module, including narrative justification for requested items, and submitted your budget request with narrative as separate attachments in the specific format.
- Completed the GMS Workplan module as instructed in Section IV. A
- Completed and attached 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 as instructed in Attachment E.
- Completed and attached the form "Encouraging Use of New York State Businesses in Contract Performance (RFP Attachment F) as outlined in Section IV.

**Applications must be received by 4:00 PM on May 30, 2014.** Applications received after that date and time will be disqualified, and will not be accepted or reviewed.

## ATTACHMENT A

### ALLOWABLE REVENUE SOURCES FOR CARP May 2014

<b>Tax Cases</b>	<b>Non-Tax</b>	<b>Other</b>
Untaxed Cigarettes Sales	Welfare Fraud Medicaid Fraud	Tax Law Fines Asset Forfeiture (Tax Cases Only)
Income Withholding Corporate/Franchise Untaxed Liquor Untaxed Petroleum Tax Preparer Fraud	Unemployment Insurance Fraud Prevailing Wage Workers Comp	STAR Tax Program

#### **NOTES:**

- *Sales Tax cases include MV-50 cases.*
- *Tax Preparer Fraud usually means a preparer assisting/aiding in filing false returns with Tax. The preparer may or may not be in cahoots with their client. With these cases, there is a \$5K per return Tax penalty.*
- *Tax Law fines only are eligible CARP credit. No credit is given for criminal fines.*
- *With sales and withholding taxes, it is often recommended to prosecutors that they charge under the Penal Law larceny statutes. The tax law permits this.*

#### **INFORMATION ON REVENUES CREDITED**

Revenue reports only reflect revenues collected (not cases still unresolved or being worked on) and the revenues must be received and verified by the NYS Department of Taxation and Finance (DTF).

It is the grantee's responsibility to ensure the revenue reports are correct and reflect local activities. The purpose of supporting CARP is to have funds returned to the state that can be reinvested. Sometimes the revenues go to the local governments or are split between state and local. Some localities think they have "X" amount of fines but don't realize it didn't all get deposited to the state. You can work with DTF to match your records with theirs and ensure all fines are accounted for that come back to the state. DTF will not know where your local fines go to; that will need to be tracked by your offices.

*Issued May 2008*

## **ATTACHMENT B**

### **Current CARP Counties Eligible for Additional One Time Funding**

- Albany County District Attorney's Office
- Broome County District Attorney's Office
- Clinton County District Attorney's Office
- Erie County District Attorney's Office
- Monroe County District Attorney's Office
- Niagara County District Attorney's Office
- Oneida County District Attorney's Office
- Onondaga County District Attorney's Office
- Richmond County District Attorney's Office
- Rockland County District Attorney's Office
- St. Lawrence County District Attorney's Office
- Schenectady County District Attorney's Office
- Tompkins County District Attorney's Office
- Ulster County District Attorney's Office
- Warren County District Attorney's Office;
- Westchester County District Attorney's Office

### New First Time Eligible CARP Counties

- Allegany
- Cattaraugus
- Cayuga
- Chautauqua
- Chemung
- Chenango
- Columbia
- Cortland
- Delaware
- Dutchess
- Essex
- Franklin
- Fulton
- Genesee
- Greene
- Hamilton
- Herkimer
- Jefferson
- Lewis
- Livingston
- Madison
- Montgomery
- Ontario
- Orange
- Orleans
- Oswego
- Otsego
- Putnam
- Rensselaer
- Saratoga
- Schoharie
- Schuyler
- Seneca
- Steuben
- Sullivan
- Tioga
- Washington
- Wayne
- Wyoming
- Yates

## **Attachment C**

### **Program Work Plan**

**Project Goal:** To facilitate the effective investigation and prosecution of crimes which have an adverse effect on government revenues.

**Objective #1:** To develop and implement an effective enforcement strategy ("strategic plan") in collaboration with the State Department of Taxation and Finance (DTF), and other governmental agencies as appropriate, in order to detect, investigate, prosecute and deter revenue crimes.

#### **Task #1 for Objective #1**

Identify revenue areas on which to focus in the coming contractual year, including fraudulent conduct by tax professionals and preparers, and personal income tax and sales tax fraud.

#### **Performance Measure #1**

Provide a response to any referrals by DTF, including whether the case will be investigated, prosecuted or the reasons for declining to do the same.

#### **Task #2 for Objective #1**

Maintain effective coordination and cooperation with DTF and other relevant governmental agencies in the investigation and prosecution of revenue crimes.

#### **Performance Measure #1**

Enter into a Memorandum of Understanding (MOU) with DTF, and other agencies if appropriate, to set forth roles and responsibilities as between the parties, with respect to the investigation and prosecution of tax crimes and other fraud that can adversely affect government revenues. Provide information as requested by DTF or other appropriate agencies so that such agencies may report to DCJS as to compliance with MOUs and effective performance under the grant.

**Objective #2:** To conduct effective investigations of revenue crimes.

#### **Task #1 for Objective #2**

Train staff to consider whether cases implicate government revenue interests and when to conduct investigations in connection with DTF, and other governmental agencies as appropriate, to vindicate those interests.

#### **Performance Measure #1**

Report on the number of staff assigned to CARP as well as the number of staff who have been trained, including whether such employees have received annual CARP training from DTF or have attended annual CARP conferences conducted by DCJS, DOL, Insurance and NYPTI.

#### **Task #2 for Objective #2**

Undertake appropriate investigations of allegations, whether arising from agency referrals or self-generated.

**Performance Measure #1**

Report on the number and nature of cases investigated.

**Objective #3:** To conduct effective prosecution of revenue crimes.

**Task #1 for Objective #3**

Effectively prosecute appropriate crimes against revenue.

**Performance Measure #1**

Report on the number of persons charged and the nature of the charges.

**Performance Measure #2**

Report on the cases that resulted in a conviction as well as those that were disposed of without a conviction, articulating the disposition and sentence of each case.

**Performance Measure #3**

Report on the revenue ordered, and the revenue collected, as a result of the final disposition in each case.

**Task #2 for Objective #3**

Achieve appropriate civil settlements in lieu of or as part of an overall settlement in a criminal case.

**Performance Measure #1**

1 Report on total civil recoveries collected as a direct result of revenue crime investigations and/or prosecutions.

**Task #3 for Objective #3**

Promote public awareness of enforcement efforts so as to foster voluntary compliance.

**Performance Measure #1**

1 Publicize appropriate and noteworthy prosecutions in an effective manner and in cooperation with other relevant State agencies.

**Task #4 for Objective #3**

Ensure that all staff funded by CARP work exclusively on program objectives, initiatives and cases. CARP revenues are intended to be used to fund prosecutorial resources which are devoted exclusively to CARP purposes.

**Performance Measure #1**

File an annual certification with DCJS attesting that all CARP funds were used to fund only full-time equivalents and nonpersonal service expenses in furtherance of CARP objectives.

**Objective #4:** To promote collaboration with DTF when significant events occur in CARP cases.

**Task #1 for Objective #4**

Notify DTF (including through prosecutors' requests) when significant events occur in CARP cases, such as arrest, conviction and sentence.

**Performance Measure #1**

DTF notified (including through prosecutors' requests) when significant events occurred in CARP cases such as arrest, conviction and sentence.

**Task #2 for Objective #4**

Consult with DTF prior to any agreement as to case disposition, and prior to imposition of sentence, so DTF has an opportunity to **provide input as to appropriate disposition.**

**Performance Measure #1**

DTF consulted prior to any agreement as to case disposition, and prior to imposition of sentence, so DTF had an opportunity to provide input as to appropriate disposition.

**Objective #5:** To implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 (MWBE Regulations) by providing meaningful participation by NYS Certified MWBEs, as defined as subcontractors or suppliers.

**Task #1 for Objective #5:**

Provide equal employment opportunities for minority group members and women (EEO).

**Performance Measure #1**

Submission of the DCJS LOCAL ASSISTANCE MWBE EQUAL EMPLOYMENT OPPORTUNITY STAFFING PLAN form.

**Task #2 for Objective #5**

Provide contracting opportunities for NYS certified minorities and women-owned business enterprises (MWBEs).

**Performance Measure #1**

Expend the established percentages identified on the approved DCJS LOCAL ASSISTANCE MWBE SUBCONTRACTOR/SUPPLIER UTILIZATION PROPOSAL FORM with NYS Certified MBEs, as subcontractors/suppliers. **NOTE: If a grantee's discretionary budget is modified within the contract time period, a revised DCJS LOCAL ASSISTANCE MWBE SUBCONTRACTOR/SUPPLIER UTILIZATION PROPOSAL FORM is required identifying re-assessed MBE participation goals.**

**Performance Measure #2**

Identify if you are on target to meet your identified MBE goals by the end of the contract period. **NOTE: This performance measure requires a yes or no response, at a minimum.**

**Performance Measure #3**

Expend the established percentages identified on the approved DCJS LOCAL ASSISTANCE MWBE SUBCONTRACTOR/SUPPLIER UTILIZATION PROPOSAL FORM with NYS Certified WBEs, as subcontractors/suppliers. **NOTE: If a grantee's discretionary budget is modified within the contract time period, a revised DCJS LOCAL ASSISTANCE MWBE SUBCONTRACTOR/SUPPLIER UTILIZATION PROPOSAL FORM is required identifying re-assessed WBE participation goals.**

**Performance Measure #4**

Identify if you are on target to meet your identified WBE goals by the end of the contract period. **NOTE: This performance measure requires a yes or no response, at a minimum.**

**Task #3 for Objective #5**

Utilize good faith efforts, pursuant to 5 NYCRR §142.8 to meet the maximum feasible portion of the organization's established MWBE goals in furtherance of New York State Executive Law Article 15-A.

**Performance Measure #1**

Document, retain, and provide upon request, the good faith efforts identified on the utilization plan to meet the established MWBE goals.

## ATTACHMENT D



### **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:**



**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 (E.g., executive officer, authorized by municipal charter)

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>.



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 "Crimes Against Revenue"
3. Click "**Create Project**"

In the newly created project, complete the following modules:

### Project Title

Please use "2014-15 Crimes Against Revenue Program" 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**

For purposes of this RFP, when entering applications into GMS, make sure to answer all required questions.

### **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. In order for the button to be available on the budget tab, your agency must be listed on the “**Participants**” tab.

### **Program Workplan**

The Work Plan section of your GMS application is a standardized plan (See Attachment C). Enter the statements that appear as the Goal, Objectives, Tasks and Performance Measures for your project. This is the “basic” Work Plan that is a fixed feature of all CARP grants.

### **Attachments**

The M/WBE Utilization and EEO Staffing forms (see Attachment 5) 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 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 E**

### **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> and <i>Local Assistance MWBE NPS</i>	Submit appropriate <i>Detailed Itemization Forms</i> quarterly, with claim

	<i>Discretionary Worksheet with application</i>	
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DCJS will review the submitted Local Assistance MWBE Equal Employment Opportunity Staffing Plan, Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form, and, Local Assistance MWBE NPS Determination Worksheet 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 Local Assistance MWBE NPS Determination Worksheet;
- d) If a Bidder fails to submit a written remedy to a notice of deficiency; or
- e) 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 F

### 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.

C.