

**NYS Division of Criminal Justice Services
ATI 2013/14 Request for Proposals**

Questions and Answers from Bidder's Conferences (Albany, Rochester, NYC) –Aug 8, 9 and 12, 2013 - Questions submitted to DCJS via email through August 12, 2013 – (Questions and Answers have been edited for clarity.)

General:

- 1) **Question:** Is this the final RFP for ATI/ATD services that will be released this year?
Answer: Yes, this is the last RFP for ATI/ATD services that will be released during 2013 by the NYS Division of Criminal Justices Services.
- 2) **Question:** Does the applicant describe its own experience or the county experience?
Answer: Page 10, Section XIII, A. of the Request for Proposal, asks the applicant to describe its own experience and qualification. If applicant is a county then, the answer pertains to the county. If applicant is a community provider, then the answer pertains to the community provider.
- 3) **Question:** Are pre-bidders conference questions posted?
Answer: Yes. Questions and Answers from Bidder's Conferences and those submitted via email through August 12, 2013 will be posted on the DCJS website on August 19, 2013.
- 4) **Question:** Are there page limits on the Application submission?
Answer: While there are no page limits provided in the RFP, there are direct questions which should be answered succinctly. Additional, unrequested information will not result in obtaining higher scores.
- 5) **Question:** What is the RFP release date?
Answer: The RFP was released on July 29, 2013.
- 6) **Question:** Are there three separate bidder's conferences and/or do we have a choice of attending one?
Answer: Three bidder's conferences were held as follows, and attendance was not required.
August 8, 2013 – Albany, New York
August 9, 2013 – Rochester, New York
August 12, 2013 – New York City, NY
- 7) **Question:** Are the Bidder's Conferences that are being held mandatory?
Answer: No. Attendance at the Bidder's Conference is not a requirement of the application. It is just a service we provide to answer any questions that may have been posed apart from the application or the interpretation of a section of the application and

that are why these proceedings are being pre-recorded and that any questions that are asked will be answered and provided on the website to all potential applicants.

- 8) **Question:** If the program I propose is already operational, do I need to submit the start-up timetable described on page 14 of the RFP? If so, what information should that timetable include?

Answer: If program is currently operational, a timetable would only be necessary to describe any steps necessary to implement additional funding if provided. If services can commence immediately, the timetable should reflect that.

Letters of Support/MOUS

- 9) **Question:** Are non profits and governmental agencies able to subcontract with for profit companies? Should we obtain MOUs?

Answer: There is nothing that prohibits that. Anyone that you subcontract with or work with, you should make sure you have a Memorandum of Understanding (MOU) so it is clear what the responsibilities are and what the functions are of those entities. The only impact of a profit company is the ability to address value of services. For profits are in business to make money where not-for-profits are not. This could diminish your ability to reach value of services.

- 10) **Question:** Is there any time frame on the letters of support? Do we need to get new letter or are the ones we already have sufficient?

Answer: The letter of support should be dated within the last year. If your program is an expansion of a current program and you have existing relationships and current MOUs for the program you're expanding then existing MOUs are acceptable. If Applicant is proposing to expand and operate a different program, then an updated MOU should be obtained. The need for an MOU should be mentioned in the Application but is not required to be in place prior to submission of the Application to DCJS.

- 11) **Question:** What about Letters of Support?

Answer: Programs that require the support of other agencies (for screening or referral for example) for the program to be successful should list the agencies and describe their role. Letters of Support from these organizations or agencies are required and must be submitted using the GMS attachments tab. Remember, an MOU, if needed, represents a partnership or sub-award is different and should be described but can be provided prior to award being finalized.

- 12) **Question:** Does an agency/program have to enter into a formal contract if we have a MOU?

Answer: The answer depends on how you are using individual entity, if you are subcontracting services and you have a contract you don't need a MOU. It will depend on your individual organization and what you accept.

There is some clear language in the RFP (Page 11, Section 13, B) that a MOU may be required depending on your program model.

Prequalifying (Grants Reform)/Grants Management System Questions and M/WBE:

13) **Question:** What is the Gateway and what is Prequalification?

Answer: The State of New York is initiating a new statewide grant management process designed to facilitate prompt contracting for not-for-profit vendors. Interested vendors have been asked to prequalify and submit commonly requested documents, and answer frequently asked questions. The prequalification application requests organizational information about the vendor's capacity, legal compliance, and integrity. To learn more about this initiative and prequalification, go to the Grants Reform website at: www.grantsreform.ny.gov

Beginning July 31, 2013, all not-for-profit vendors will be required to prequalify prior to grant application and execution of contracts. State issued contract award and approval letters will contain standard text notifying not-for-profits that awards and contract approvals are conditioned on the requirement that they have been "prequalified" in the Grants Gateway by July 31, 2013 to avoid any delay in contract approval or payment.

Based on the above information, you are strongly encouraged to begin the process of registering and prequalifying. If you have any questions, please address them to the Grants Reform Team at: GrantsReform@Budget.ny.gov with Prequalification in the subject line.

14) **Question:** If a private not-for-profit is prequalified with another department (i.e. Department of Health), do they have to re-qualify with DCJS?

Answer: No. Once any state agency qualifies a not-for-profit vendor, that vendor is prequalified to do business with any state agency.

15) **Question:** We did a GMS registration a while ago and just tried to look it up again and we were not getting in so after awhile does it just go away?

Answer: GMS does need to be reset if you have not accessed the system for awhile. Send a request to funding@dcjs.ny.gov and you will be set back-up within 24 hours. However, you may need to update your information.

16) **Question:** The entire application when completed is put into GMS so there is no deliverable or hard copy deliverable requirement that needs to be met?

Answer: You can answer the questions right in the application. There are text boxes to be filled out and you are reminded to SAVE your information. Once completed, you can attach it to GMS along with other attachments as indicated.

There are a couple of areas where you must enter information directly into GMS and you are instructed how to do so in the application.

17) **Question:** In GMS, there is a question that asks if we currently have a contract with NYS. Is that a Yes or No question?

Answer: If you currently have a contract with the NYS Division of Criminal Justice Services, the answer is "Yes."

18) **Question:** As a local government agency, do I need to go through the Grants Reform Website to prequalify?

Answer: No, only Not-for-Profits agencies are required to prequalify.

19) **Question:** In relation to the MWBE staffing form, does question 7 refer to who will be working on the grant among all agency employees, or to what percentage of subcontractors are minority?

Answer: Grantees/applicants must report on their intended work force. Entities have the option to report on the work force solely dedicated to this award or on its entire work force. The preferred method is to report on the work force solely dedicated to a specific contract, but there may be instances when this is not feasible. A DCJS-3300 must be submitted by the grantee/applicant and is also required for each subcontractor identified in the application or contract.

20) **Question:** What categories of suppliers are included in the M/WBE requirements?

Answer: If a grantee/applicant has the *discretion* to spend grant funds with a MWBE vendor/supplier for expenditures within any budget category excluding personnel and fringe, they should do so. A MWBE Directory of certified entities is available on the NYS Empire State Development's website, <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=4687>. MWBEs are also identified on NYS OGS Procurement Contracts.

21) **Question:** Since we are required to submit the Local Assistance M/WBE Subcontractor/Supplier Utilization Proposal Form with the proposal, does that mean we need to have identified all of our vendors/subcontractors at the proposal stage? Or can that be done at the contracting stage?

Answer: MWBE expenditure goals must be determined during the application stage. In some instances, bidders/applicants may not be able to specifically identify subcontractors/suppliers prior to award confirmation. In this event, grantees may indicate To Be Determined (TBD) in the MWBE Subcontractor/Supplier Name and Address field. If an applicant cannot identify subcontractors/suppliers, upon application receipt DCJS will review the submitted award budget to identify a non personal service discretionary amount. Individual MBE and WBE goals will be assessed by DCJS based on this figure. If, after award, a grantee is unable to achieve these goals, they will be required to submit a Waiver Application. Waiver Applications are reviewed and approved directly by the NYS Executive Chamber.

22) **Question:** For subcontractors, is there a dollar amount below which M/WBE participation will not be scrutinized?

Answer: No.

23) **Question:** Can you define "good faith efforts?"

Answer: The "good faith efforts" delineated by Article 15A of the New York State Executive Law governing MWBE include, at a minimum, the following:

(a) Copies of an entity's' solicitations of certified minority- and women-owned business enterprises and any responses thereto;

- (b) If responses to the contractor's solicitations were received, but a certified minority- or woman-owned business enterprise was not selected, the specific reasons that such enterprise was not selected;
- (c) Copies of any advertisements for participation by certified minority- and women-owned business enterprises timely published in appropriate general circulation, trade and minority- or women-oriented publications, together with the listing(s) and date(s) of the publication of such advertisements;
- (d) Copies of any solicitations of certified minority- and/or women-owned business enterprises listed in the directory of certified businesses;
- (e) The dates of attendance at any pre-bid, pre-award, or other meetings, if any, scheduled by the State agency awarding the State contract, with certified minority- and women-owned business enterprises which the State agency determined were capable of performing the State contract scope of work for the purpose of fulfilling the contract participation goals;
- (f) Information describing the specific steps undertaken to reasonably structure the contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified minority- and women-owned business enterprises.

24) **Question:** If we do not plan to use any subcontractors, do we still need to complete the *Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form*?

Answer: MWBE forms are required from all grantees/applicants, regardless of subcontractor utilization. The Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form (DCJS-3301) is utilized to establish MWBE participation goals for a contract's non personal service discretionary budget. In some instances, this amount may be \$0 and a goal of 0% would be assigned. If a grantee/applicant has the *discretion* to spend grant funds with a MWBE vendor/supplier for expenditures within any budget category, excluding personnel and fringe, they should do so.

25) **Question:** If you are already approved by another New York State agency, do you require further approval or does that suffice?

Answer: If you are pre-qualified by any state agency, you can apply for any application for any state agency. You do not need to reapply for further approval. That pre-qualification approval is good for three (3) years.

26) **Question:** Is there an estimated timeline of how long the process (*Prequalifying*) will take?

Answer: That depends on the grantee, whether or not all the data elements and requested documents are included, and the agency it is assigned to.

Generally, if the information and documents are complete and up to date and no problems are found, the process can be done within a day or so. If an application is incomplete or problems are found, the approval time may be significantly longer.

27) **Question:** How long does it take to process a request for a GMS User Name and Password?

Answer: Our GMS instructions say to allow up to 5 days. However, on average it only takes 2-3 days if all the requested grantee information is complete and correct. However, an application in GMS cannot be reviewed unless and until the not-for-profit applicant has been prequalified in the grants gateway.

Program Model Questions:

28) **Question:** Can Options 1 and 2 target felons, misdemeanors or both?

Answer: Yes. All three program options may target individuals arrested for, or convicted of Penal Law felony or misdemeanors. Under the "New RFP's" section of the website, there is a link entitled "Reference Tables – County Dispositions" posted directly under the RFP. These tables have disposition information for the most common Penal Law felony and misdemeanor arrests within each county. This information includes both felony and misdemeanor arrestees. Both may be targeted BUT should meet the other criteria in the RFP (p.6) that the program's target population is pretrial detention or incarceration bound and/or at moderate to high risk of recidivism. When reviewing these tables you will note many misdemeanor arrests for those individuals who have no prior convictions that rarely result in a sentence to jail. Those are not the individuals that we want to target with this RFP. However, we do know that many misdemeanor arrestees, generally those with prior convictions, are extremely recidivistic, particularly those that get sentenced to jail.

29) **Question:** Does this funding include providing services to people who are actually confined/incarcerated?

Answer: Yes. Option 3 of the RFP described on page 5 allows for services for individuals incarcerated in local jail. Option 1 of the RFP describes alternative to detention options that would include pretrial programs. The RFP places an emphasis on programs for detention bound (Option 1) and jail-based individuals (Option 3). This decision was informed by a recidivism study which showed that individuals who are receiving jail sentences are recidivating at an extremely high rate.

30) **Question:** It seems like in the program types funded that they are pretty specific but there's almost an overlap particularly between Option 1 and Option 3, so is it possible that a proposal might inadvertently or even intentionally cover two (2) of these options?

Answer: There is language on Page 9-10 of the RFP that "a program may include more than one" of the three program types. It asks that if you are targeting more than one (1) program type that you clearly describe the screening and referral processes for EACH program type. The case flow needs to be made explicit for each.

31) **Question:** How specific should the Application be with regard to the question about "What theory of behavioral change" is used?

Answer: The answer does not have to be extremely complex and should provide DCJS with information demonstrating that the program uses a particular theory based on the population and evidence that programming provided results in changing behavior based on the intervention. The Application should clearly describe the specific intervention bringing about the change. It should include a reduction in re-offending or avoidance of detention in addition to anything else which may apply. Every intervention provided by the program should be related to its theory of behavioral change and be targeted toward achieving the program's primary goals.

32) **Question:** Can a single application offer programming that includes some of Option 1, 2 and 3?

Answer: Yes. Please see question 30 which describes the need to provide specifics on how the screening and referral processes will operate if more than one Option is included.

33) **Question:** Should an applicant proposing to provide one type of program service to two different populations (for example a jail based program provided to jail inmates and open to those recently released from jail) submit two applications.

Answer: One application should be submitted. Applicants for Option 3 program types should note that "preference will be given to programs which have a jail based component followed by support services within the community after release," (RFA p.7).

34) **Question:** If a program is proposing something that's an alternative to a jail sentence to include the involvement of the county court level judges, magistrate level judges and others, how do you foresee that the grantee would negotiate through Probation, the sheriff's office or with the judicial?

Answer: The RFP requires applicants to identify the agencies whose support is required for the program to be successful (RFP p.11) and to describe the screening eligibility and intake process (p.12), including the referral process and referring agencies. Applicants must provide proof of the necessary partnerships by attaching letters of support when submitting the application. Funded programs may be required to execute MOUs if warranted by the program model. However, the process of building those partnerships and collaborations, and the agencies that are required for a program to be successful, will vary across programs.

35) **Question:** For Option 1 or 2 (named in the RFP), can the proposal focus on just misdemeanors or just felons?

Answer: This depends on the program model and proposed program intensity. Both Penal Law felony and misdemeanor arrestees are eligible for program services. According to the RFP, the target population must also be pretrial detention or incarceration bound and/or at moderate to high risk of recidivism.

36) **Question:** The RFP indicates on page 10 that applicants can include more than one of the 3 program types. If we apply for multiple types, do we need to provide distinct answers to every question for *each* type?"

Answer: Yes, a proposal may include components of each but must be clearly articulated as such in the application. Refer to pages 9-10 of the RFP.

37) **Question:** Does the grant allow for preventative work (ie. Can our social workers go into the community and do outreach to clients who have not been arrested yet)?

Answer: No. This funding is targeted toward those who have been arrested and potentially could be sentenced to incarceration, if it were not for the services provided by the program, or for those that are currently being detained or serving a jail sentence.

38) **Question:** Is DCJS looking for a targeted number of annual participants?

Answer: No, the number served depends on the program and need. Cost per participant will be evaluated for cost effectiveness.

39) **Question:** Are there a required number of hours/day and days/week of programming?
Answer: No

40) **Question:** Is there a targeted length of service for participants?
Answer: No

41) **Question:** Are there specific outcomes DCJS would like for programs to achieve?
Answer: This RFP was developed to support alternatives to incarceration, alternatives to detention, and jail-based programs that deliver targeted, effective interventions. Funded programs will be expected to direct their services to individuals who pose a risk of continued criminal conduct and target those individuals who are likely to be detained or sentenced to incarceration. Funded programs should serve communities with a demonstrated need for such services. Funded programs should aim to achieve reductions in recidivism, avoid future victimizations, and reduce detention and incarceration (RFP p.1-3). DCJS will be evaluating the participant data submitted by funded programs to confirm program effectiveness in achieving these outcomes (RFP p.5).

Quality Assurance, Fidelity and Evaluation

42) **Question:** Does an Application need to include a plan for evaluation or will the State be conducting the evaluation?

Answer: Funded programs will be expected to routinely submit case-level data to DCJS and to participate in a fidelity review process. Specifics are provided in the RFP in the Quality Assurance, Fidelity and Evaluation section (p.5) and the Reports section (p.23). Case-level data on enrollments and discharges must be submitted on a monthly basis (RFP p.23) so that follow-up studies can be conducted on participant outcomes and to confirm the risk-level of participants. Funded programs will participate in a fidelity review process that will include an on-site review, technical assistance and coaching. As mentioned in the RFP (p.5), additional details on the fidelity review process will be available at a later date.

43) **Question:** Is there a minimal goal expectation and is there a post completion follow up?
Answer: There is not a minimal goal expectation. However, DCJS is seeking to fund cost-effective programs which can demonstrate their ability to deliver effective service interventions at a competitive unit cost per participant (RFP p.8). See Question 38.

As discussed on page 5 of the RFP, DCJS will be implementing a robust system that examines program quality and participant-level outcomes in terms of measuring rearrest and reconviction. Funded programs will be expected to routinely submit case-level data on enrollments and discharges (RFP p.23) so that follow-up studies can be conducted on participant outcomes. State research and evaluation staff will analyze the participant data provided by the programs (RFP p.5). See Question 42.

Eligible Jurisdictions and Location:

44) **Question:** Currently, our ATI program is funded in part by DCJS and the county. Should we apply for a funding through the county or can we apply separately?

Answer: Applicants can be private not-for-profit or governmental entities or a combination thereof. For example, the local government could apply to contract with DCJS and subcontract with the service provider. This information should be made clear in the application.

45) **Question:** If an applicant were to partner with another organization that provides some aspects for programming for the program, would that in anyway hamper the other program from making an individual application for the same grant opportunity?

Answer: No.

46) **Question:** If an agency proposes a program that serves multiple counties in the city can you use the same application?

Answer: If an agency is centrally located and accepting clients regionally, that is one application for up to \$300,000. If an agency is proposing to have separate programs located in separate counties separate applications would be required. DCJS does expect to see programs with a multiple county design as this provides for a savings through a centralized administration of that program.

For example, DCJS funds Residential Stabilization Centers, formerly known as Probation Violation Residential Centers. With these programs there is one funded program that serves individuals from a constellation of surrounding communities – that constitutes one program and required one application.

Another example: If an applicant proposes two jailed based programs -- one in Suffolk and one in Nassau, those are considered two distinct programs that are serving just those counties, these are considered two distinct programs up to \$300,000 and would require two applications. Both would have to be supported by the demonstrated need and target population. Each program would still be limited to a maximum of \$300,000.

47) **Question:** Can one program accept/serve individuals from numerous counties?

Answer: Yes.

48) **Question:** NYC Probation has one direct program and five locations do we have to submit an application for each county?

Answer: Yes, you would have to submit five (5) applications, one per county.

49) **Question:** Is there a statewide ceiling or cap for funding upstate verses downstate programs?

Answer: There is not a statewide ceiling or cap but "the grant review process will consider both need and geographic balance when making awards" (RFP p.2). The RFP is data driven and applications will be selected based on need. Given the amount of overall funding, there is a limited number of programs that can be funded. DCJS does not anticipate that every application will be submitted requesting \$300,000. Certain program models can be developed for much less than \$300,000 depending on the number to be served and the dosage. The programs will be funded based on need and every jurisdiction in the state of New York is eligible to apply.

50) **Question:** Does NYS DCJS consider NYC as ONE county or as five distinct counties? Can you please clarify whether a NYC-based applicant can only apply for up to \$300,000 for all of NYC or whether an applicant could apply for up to \$300,000 for *each county* of NYC (New York, Bronx, Kings, Queens, and Richmond)?

Answer: Programs can propose to serve NYC entirely, or target individual counties representing NYC. One program open to all of NYC is one program eligible for up to \$300,000. Separate programs existing in each county located in NYC are separate programs and each is eligible for up to \$300,000.

51) **Question:** Based on the language in the RFP, no Family Court-based programs will be eligible, correct?

Answer: Correct. This funding is targeted for those in criminal court.

52) **Question:** Is the NYS Unified Court System's Grants and Contracts Office eligible to apply for the Alternatives to Incarceration grant solicitation.

Answer: No, applicants must be local government or non-profit community organization. The NYS Grants and Contract Office cannot apply directly. However, given the services sought in this RFP, it is expected that many applicants will partner with their local courts.

53) **Question:** Is an agency that is not a 501 c (3) eligible to apply?

Answer: Applicants must be local government or a not-for-profit 501 c (3) community organization.

Funding and Budget:

54) **Question:** Is there a cap per county of \$300,000?

Answer: Funding will be awarded up to \$300,000 per program for 12 months. Agencies that operate a program in a single county that serves eligible offenders from multiple jurisdictions (counties) will also be limited to a program cost not to exceed \$300,000 per 12 months. Greater consideration will be given to proposals that provide low cost, high quality services.

55) **Question:** Does this RFP expect to support one award per county even though the county may have multiple submissions? If three agencies submit applications for the same county, is there a possibility of only one agency being selected?

Answer: There may be more than one program funded in a county. The determination is based on need. Funding decisions will be need driven.

For example, if three programs come in for Manhattan proposing a jail based program and each proposal targets a different neighborhood, there will be a review based on each proposal and need in those jurisdictions. It will depend on how the application(s) is submitted. All three could be funded if different areas are targeted and it is demonstrated that there is a need justifying that the three programs be funded.

56) **Question:** Can a program submit applications to operate programs in multiple counties within NYC?

Answer: Yes, but separate applications for each county must be submitted.

57) **Question:** If an organization applies for multiple programs should we provide the same answers to every question?

Answer: If it is one program but serves individuals from several areas, you have to answer the questions for each program but it could be one application. If an agency is developing an application for two of the three program types or three of the three types then it could be done in the confines of one application, but it would be limited to the \$300,000 (pro-rated up to \$450,000 in the first 18 months). Please reference the bottom of Page 9 and the top of Page 10 of the RFP for the specific language that states "A program may include more than one program type" also "...program type must describe, in detail, the screening, assessment, and intake processing for each type" because screening and referral mechanisms will differ if you are getting individuals in different ways.

58) **Question:** Can you clarify the \$300,000 per program, per county maximum? Does it represent the first reporting period time?

Answer: Programs will be funded up to \$300,000 for a 12 month period. The first year contract will be developed for 18 months and funding amounts will be pro-rated. The reason for the 18 months is that these programs are slated to start on January 1, 2014 and DCJS is working to eventually have all contracts on a July to June term. The second contract term for this funding will begin on July 1, 2015 and will be for 12 months.

59) **Question:** Will there be opportunities to build in start up?

Answer: Yes, please make that information clear in the application. If you are starting a new program you have 18 months to put that in place and you should make sure it is clear what you need on an annual basis for that program. If you are hiring a coordinator or director first and you need that staff for the whole 18 months, than obviously you only need a 12 month salary to continue that person in the two 12-month renewal periods. Just make that clear in your budget justification.

60) **Question:** Should the budget itself represent a 12 month annualized fully operational budget?

Answer: The budget should represent a 12 month budget. If start up is needed that should be included. Amounts for 18 month contracts will be prorated and provided.

61) **Question:** Will Applications for less than \$300,000 be considered?

Answer: Yes. Grants will be considered for up to \$300,000. Not every grant is expected to receive \$300,000; it all depends on program design. This RFP is value driven and is meant to address the higher risk offender with the more intensive interventions and the moderate risk offender with moderate risk interventions.

62) **Question:** Should I submit a separate cost budget for a start-up period?

Answer: If you are starting a new program, you should clearly indicate so in your budget. Be sure that those components that are start-up oriented are identified as such and include this cost in the full year. Start-up costs would not be considered following the start-up year.

63) **Question:** Can I apply for funds to augment or expand an existing program?

Answer: Yes, You can augment and expand an existing program. Justification which includes need should be provided in the application.

64) **Question:** May an applicant submit more than one proposal per County, assuming that the proposals address two different populations within the geographic region?

Answer: Yes.

65) **Question:** Can you please verify the following scenario: Our agency has three sites, located in three different NYC counties, all serving the same target population (16-24 year olds). To apply under the ATI Program should we submit three separate applications?

Answer: Yes, submit three separate applications, each eligible for up to \$300,000. Because the three programs are administered by one agency, we would expect to see some savings as a result of the programs being administered by one agency. The distinction here is if your agency had one program in one location accepting individuals from different counties. That would be one program eligible for up to \$300,000.

66) **Question:** We operate two programs that are administered out of our main office, one county-specific and one statewide. Is the statewide program subject to the same \$300,000 combined county cap, even though the services it provides are in many counties?

Answer: Yes. If the program actually existed in several counties then each would be eligible for up to \$300,000.

67) **Question:** If we currently have a program that collects fees for electronic monitoring but is in need for additional funding, can we apply to this RFP for funding?

Answer: The application would need to demonstrate the need for additional funding and how the additional funding would interact with the program you want to support. If the funding for your current program is ending, there are specific questions asking you to describe or provide, in detail, information about the termination or ending of program funding.

68) **Question:** If a county currently receives ATI Classification funding, does this RFP for funding effect or replace the Classification funding?

Answer: This RFP represents separate and distinct funding. However, counties are not prohibited from applying if they already receive Classification or any other DCJS funding.

69) **Question:** On Page 3, section III, second sentence states "awards up to \$300,000 per applicant, per county". Does this mean that one county can submit only one application?

Answer: No

70) **Question:** What if one would propose a program that is more extensive and expansive than the approximately \$300,000 would permit, is the \$300,000 the maximum amount of funding per program?

Answer: The maximum amount of funding available for a 12 month period per program is \$300,000. We expect to award more programs at the lower level depending on the need and numbers to be served.

71) **Question:** Is the \$300,000 a limit for an 18 month period?

Answer: The maximum amount of funding for a 12 month period is \$300,000. The annual amount will be pro-rated for 18 months. Applicants are welcome to provide what is needed for the 18 months. Contracts for this funding will start on January 1, 2014. The purpose for the 18 month first contract term is to eventually have all contracts on a July through June funding cycle.

72) **Question:** Where is the worksheet I should use for preparing my budget request?

Answer: The worksheet is named Program Performance and Cost Worksheet (B-1) and was attached to the RFP located at <http://www.criminaljustice.ny.gov/ofpa/newrfp.htm>.

73) **Question:** Is it allowable to budget for expenses beyond the cost-per-milestone outlined in the work plan? For instance, could we have an additional line in the budget for (a) training, (b) materials we need to purchase to implement the program, (c) costs for transportation for participants to attend as required?

Answer: No. Programs will only be reimbursed for performance milestones to be described in Appendix B-1. However, such costs for training, materials, transportation may be included in the Budget Categories as part of the Total Operating Budget.

74) **Question:** For the ATI RFP, can funding be used for nominal stipends to participants who have met goals such as attaining a GED, completing necessary counseling, completing job searches, finding employment? Alternatively, can funding be used to purchase gift cards that participants who meet key goals can use to buy clothing or necessary items when they transition to work?

Answer: Funding for cash stipends is not allowed, however, depending on program design, gift cards as incentives for achievement of milestones or other benchmarks of accomplishment may be allowed, and should be included in the budget categories as part of the Total Operating Budget. This is at the discretion of DCJS and subject to negotiation. Bus tokens or passes can be provided to participants as part of the transportation costs listed in the operating budget.

Performance-Based Contracting:

75) **Question:** Will the contracts be performance-based?

Answer: Yes, the contracts will be performance-based.

76) **Question:** In preparing the Performance-Based Workplan and the B-1 Worksheet, can I add additional Outcomes?

Answer: Yes. Please clearly describe each milestone named in the Workplan. All milestones and target numbers proposed will be negotiated and are subject to DCJS approval. The Workplan includes space for five milestones. If your program were proposing more than five milestones attach an additional document to your application following the same format. Also, add them to the B-1 Worksheet.

77) **Question:** If a program is unable to serve as many participants as was initially agreed, is there a mechanism to adjust the contract performance milestone target numbers?

Answer: Modifications are made on a case-by-case basis and technical assistance is provided throughout the contract and upon request. Target milestones are subject to negotiation prior to contract execution and are based on need, cost and dosage.

Target Population:

78)_Question: May an applicant serve a mix of low, medium and high risk?

Answer: Depending on whether the program is an ATD, an ATI, or a jail-based program, the target population may be pretrial detention or incarceration bound and/or at moderate to high risk of recidivism. Programs which have the ability to provide more than one type of program "dosage" are desirable. The level of services provided should be suited to the individual and based on risk of recidivism and program needs (RFP p.6).

79) **Question:** Is the RFP seeking to serve certain offenders?

Answer: The RFP seeks to fund programs that will to direct their services to offenders who are have been arrested/convicted of Penal Law felonies or misdemeanors and who are pretrial detention or incarceration bound and/or at a moderate to high risk of recidivism.

80) **Question:** Can an Applicant propose to serve sex offenders in the same program for "under 25 population?"

Answer: While sex offenders are not a priority population for this RFP, if an applicant demonstrates the need as critical based on the need of the region their application will be considered. If any specialized populations are targeted in the proposal, the application must demonstrate that there are a sufficient number of individuals in the targeted geographic area who require the service in addition to a course representing the quality of the intervention, as well.

Special populations served by the program must also be pretrial detention or incarceration bound and at moderate to high risk of recidivism (RFP p.8). Moreover, eligible individuals within special populations must be charged with Penal Law felonies and/or misdemeanors (Option 1 and Option 2) or convicted or adjudication Youthful Offender for Penal Law felonies and/or misdemeanors (Option 3) (RFP p.7). If special populations (e.g., a program for sex offenders who are under 25) are targeted in a proposal, the application must demonstrate that there are sufficient number of individuals in the targeted geographic area who require the service.

81) **Question:** Are VTL offenders a target of this RFP?

Answer: No. This population should not be the target, but an individual would not be excluded from receiving services, if the person has a current or history of Penal Law arrests or convictions.

Risk and Needs Instrument:

82) **Question:** Does DCJS recognize other fully validated risk and needs assessments instruments?

Answer: Yes.

83) **Question:** In various points in the RFP there is clear reference to "high risk" and I have heard people talk of "higher risk". Is this exclusive of moderate risk or can people be included in both levels of risk?

Answer: Risk is always relative – and depends on what instrument you use. The RFP includes language that states people have to be at risk of recidivism (moderate or high) or risk of detention or detention bound. If an applicant can clearly demonstrate there is a detention bound population and there is an alternative to detention, even if there is a low risk individual in there, it is perfectly acceptable. The level of services provided should be suited to the individual and based on risk of recidivism and program needs. Alternative to detention programs that can provide different program "dosages" based on risk and individual need are desirable (RFP p.6).

84) **Question:** Will DCJS decide which risk assessment tool a program will use? Page 5 of the RFP states that, in fact, COMPAS or another state- approved risk & needs assessment will be required. Will that approval come after program selection?

Answer: DCJS recommends the NY COMPAS Risk & Needs Assessment because the tool will be made available to the ATI programs at no cost and training is available. The tool has also been validated on a New York State probation population for accurately predicting the risk of re-arrest.

Programs must use a validated assessment for program admissions which measure both risk and need. Other validated tools are allowed and are subject to DCJS approval. DCJS also recognizes that specialized programs may use additional assessment instruments. Applicants should name the instrument they will be using and attach a copy of the instrument to the Application. DCJS approval to use another instrument is required prior to commencing of program operations (RFP p.5).

85) **Question:** Is there a cost associated with the use of the COMPAS that should be incorporated into the budget?

Answer: Access to COMPAS will be provided at no cost to the applicant. DCJS plans to provide free training as well. However, Applicants are encouraged to budget funds for travel to attend trainings.

86) **Question:** Does an applicant need to obtain DCJS approval for use of an instrument prior to submitting Application?

Answer: No. Name the instrument and attach a copy of it in Application and approval will be subject to negotiation and prior to grant award. Refer to RFP p.5 and p.12.

87) **Question:** In the application do we need any kind of statement regarding the risk & needs assessment tool we plan to use and why?

Answer: Yes. Clearly explain the type of program design that you are proposing and how you would expect to use the actuarial risk & needs assessment you have chosen. On Page 12 of the RFP there are very specific questions that you must respond to about what instrument you are currently using and what you plan to use if selected.

88) **Question:** If you wanted to use COMPAS but don't use it yet, is there training available as to how to use this tool and how to access it?

Answer: Yes, DCJS will provide training in NY COMPAS for funded programs (RFP p.4). Applicants can indicate their need NY COMPAS training on p.10 of the RFP. Trainings are provided free of cost to participants, but programs are encourage to budget and include funds for travel related expenses for such training in the program's operating budget (RFP p.4). The training will instruct program staff on how to successfully use the NY COMPAS. We are also working with the vendor to insure that ATI programs are separate and apart from our probation data-based program. The risk and needs assessment data will be maintained in a secure confidential database

89) **Question:** Our County has developed our own comprehensive bail evaluation instrument. What is the process to seek approval to use it instead of the NYCOMPAS 8?

Answer: Please describe the instrument and if the proposal is accepted, DCJS will make a determination whether or not this is an approved instrument as described in the RFP. See RFP p.5 and p.12.

90) **Question:** I use a risk and need assessment instrument and note that we sometimes override the risk score based on other information we have available. The instrument does not always capture all risk factors. Must we only rely on what the instrument score is, or can our program admit individuals that appear suitable based on other information we have?

Answer: Validated risk instruments for criminal justice predict the likelihood of future criminal involvement, generally the risk of re-arrest or reconviction. They are considered actuarial instruments, similar to what insurance companies use to predict the likelihood that someone will have an accident. It does not mean that any individual will or won't commit a future crime – it just allows programs to categorize individuals in a systematic way.

DCJS research staff will be analyzing the populations served by each program by matching case information submitted by programs to criminal history data and other data. Research staff will verify that the majority of the population served by your program is consistent with what you described in your application.

We recognize that program sometimes have additional case information available that is not captured in the assessment and they may conclude that the individual poses a risk and should be treated. This is acceptable. Our analysis will be looking at how your program is operating in general, not isolating the details of specific cases.

When completing the Application for funding, it is important that you clearly demonstrate that your program has a systematic screening and referral system. It is essential that the programs we fund are targeting individuals and matching them with appropriate services.

91) **Question:** Does DCJS have a list of validated assessment instruments, and if so can we see that list?

Answer: DCJS does not have a list of instruments. However, programs selected for funding, where the NY COMPAS is not used, can work with DCJS to determine which would be best suited depending on the model.

92) **Question:** The RFP does not mention using a juvenile risk assessment, for example the screening instrument for juveniles YASI (Youth Assessment Screening Instrument). The NYCOMPAS 8 is not validated for persons under the age of 18. Since YASI is validated by NYS for juveniles up to 18 is that sufficient?

Answer: Yes.

93) **Question:** The RFP asks if we are using a state-approved assessment instrument. Is the GAIN-SS considered such an instrument?

Answer: Yes.

Training:

94) **Question:** The RFP asks for the number of staff who need training in the following areas:

- NY COMPAS Risk and Needs Instrument
- NIC Thinking for a Change (T4C)
- Offender Workforce Development Specialist Training (OWDS)

Are all staff required to be formally trained in these areas? That is, if my staffs have not received formal training in any of these areas, should I list them as requiring training even if the training may not be essential for the program model we are implementing?

Answer: Training is not required in these areas. They are being highlighted in the RFP because DCJS provides training in these programs and we consider them to be cost effective programs. Staff will only need the training if the program you are proposing includes the specific programming.

95) **Question:** The RFP references the cognitive-behavioral "Thinking for A Change" program. If the applicant were to provide another recognized cognitive- behavioral program, would that be treated equally or would you be scored differently?

Answer: Other programs will be treated equally. As long as it's a recognized cognitive behavioral program supported by evidence scores would not be deducted. In addition, all recognized programs will be expected to operate with strict fidelity.

96) **Question:** If we propose to provide "Thinking for A Change" as part of our program, would training be available for us if we are selected?

Answer: Yes. Funded programs will receive notice of training and will be given priority slots.

Applicants must receive certified training in order to provide this Cognitive Based Intervention (CBI) program. Training would be provided free of charge. T4C is a program that must be followed strictly in order to ensure fidelity. DCJS is preparing to deliver more training in Thinking for a Change during 2014. Thinking for a Change is not the only CBI option you could consider, but it is the one that DCJS does provide training in. There are other options you could consider as long as they are "evidence-based" and endorsed nationally. The training is offered free however, as stated in the RFP (p.4), Applicants should include budgetary funds to accommodate for travel to the training. The training is usually delivered in Albany, but may be delivered regionally depending on need.

97) Question: Is there more information on the Fundamentals of Community Corrections (FCC) training mentioned in the RFP?

Answer: FCC will be provided to grantees in 2014. *The FCC Curriculum* was designed especially for community correction's professionals and was developed through the efforts of a statewide workgroup comprised of DCJS staff and ATI program professionals. The National Institute of Corrections (NIC) also provided technical assistance to New York State in the development of this program. This training captures the most innovative approaches and best practices in the field today. It incorporates evidence-based practices and will teach participants the skills required to assist offenders in changing their behaviors and in leading law-abiding lives. The training is four full days. Training is free but Applicants are encouraged to budget travel money for staff to attend. The training is usually delivered in Albany, but may be provided regionally depending on need.

Data/Statistics:

98) Question: Can a program obtain other data from DCJS in preparation for this RFP?

Answer: If additional data are required please email the DCJS stats mailbox at dcjsstats@dcjs.ny.gov. DCJS will provide summary statistics which are readily available in the standard analytical files. Any requests associated with the RFP should be submitted no later than Friday, August 23 to allow sufficient time for processing.

99) Question: In the 2012 disposition outcomes, which dispositions are included in the 'other' category?

Answer: According to the explanation of data tables file that was provided with the county-specific tables (<http://www.criminaljustice.ny.gov/crimnet/ojsa/ati-rfp/countydispositions/howtoreadthistable.pdf>), "the 'other' category includes fine, conditional discharge, unconditional discharge, dismissals, and acquittals."

100) Question: What is the difference, if any, to DCJS when looking at reducing numbers in incarcerations vs. reduction in beds?

Answer: We are looking for both – avoiding incarceration when possible for more individuals but also reducing the total number confined in the state. Appendix 1 in the RFP (p.26-29) shows the number of individuals confined in jail and prison during 2012 from each county. We expect that those numbers will decline over time if our programs are effective – we will be avoiding unnecessary detention and reducing future recidivism. DCJS plans to conduct cost-benefit analyses to confirm that actual crime reduction and reduced state and local costs have been realized. Program models that intervene at the earliest possible point after arrest offer the greatest opportunity for return on investment by avoiding both immediate and future criminal

justice costs. Unnecessary detention costs can be avoided, and future savings can be realized through reduced recidivism and avoided victimization.

101) **Question:** DCJS provided statistics can help us in county specifics such as in terms of arrest. Can we also add any other data that we collect specific to our target population?

Answer: Yes. In addition to the statistics provided by DCJS, applicants can also cite social and economic data from other sources that demonstrate the critical need for the program (RFP p.11). Applicants may also use the data that are available from the DCJS website, not limited to the reference tables provided in support of the RFP. However, if there is a particular age group, gender, or crime type that will be the target population in your application, and if the data are readily available through DCJS analytical files, requests can be submitted to dcjsstats@dcjs.ny.gov until Friday, August 23, 2013 (See Question 98). DCJS has prepared data tables specifically in support of this RFP, including Appendix 1 (RFP p.26-29), Reference Tables – County Dispositions (<http://www.criminaljustice.ny.gov/crimnet/ojsa/ati-rfp/index.htm>), and Reference Table – Age and Gender (<http://www.criminaljustice.ny.gov/crimnet/ojsa/ati-rfp/age-and-gender.htm>). Explanatory text for each of the prepared tables accompanies the data. For the Reference Tables – County Dispositions, the explanatory text is provided in a separate file (<http://www.criminaljustice.ny.gov/crimnet/ojsa/ati-rfp/countydispositions/howtoreadthistable.pdf>). All data referenced in the application should be cited.
