



**Homeland Security
and Emergency Services**

**New York State
Division of Homeland Security and
Emergency Services**

**2016
Statewide Interoperable Communications
Grant Program
Improvements and Sustainment of Land Mobile Radio Systems
(Formula – Based Grant Program)**

Request for Applications (RFA)

Application Deadline: December 8, 2016

**Substantive written questions regarding this request for Applications will be accepted
until 5:00 on December 8, 2016 with RFA updates posted on November 18, 2016**

Revision 0, October 24, 2016

Revision History

Revision #	Date	Description	Pages Affected
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I. General Information

1. Summary Description

The purpose of this Request for Applications (RFA) is to solicit applications for the 2016 Statewide Interoperable Communications Grant Program where funding is distributed by formula (2016 SICG-Formula Program), with a total of \$45 million in funding available for this year's appropriation. While funding amounts will be distributed on a formula basis, final awards are not automatic and will be contingent upon the submission of a complete county application that meets the Eligibility Criteria set in this Request for Applications (RFA) document and a resulting executed grant funding agreement. State support is in the form of reimbursement for eligible expenses. The SICG-Formula Program will aid localities in making necessary improvements and providing for sustainment of Land Mobile Radio Systems (LMR), maintenance of components supporting interoperability, continuous training and exercise and sustainment and further development of the governance structure.

The 2016 SICG-Formula Program will continue to aid county public safety organizations in enhancing emergency response and improving capability and performance results from the U.S. Department of Homeland Security's (DHS) National Emergency Communications Plan (NECP), improvements in governance structures, operating procedures, infrastructure development, and addressing SAFECOM guidance from the U.S. Department of Homeland Security Office of Emergency Communications (OEC).

The 2016 SICG-Formula Program will focus on further minimizing gaps in interoperable communications by aligning technology acquisitions with operational use by first responders, which provides the foundation necessary to accomplish a high level of interoperability. The 2016 SICG-Formula Program will concentrate on improving interoperability and operability of communication systems in New York State.

For public safety purposes, *interoperability* is defined as the ability of emergency responders to work seamlessly with other systems or products without any special effort. Wireless communications interoperability specifically refers to the ability of emergency response officials to share information via voice and data signals on demand, in real time, when needed, and as authorized.

The 2016 SICG-Formula Program is open to eligible county governments which meet the criteria contained in Part II below. Please refer to the *Part II. Eligibility* section for

further details. In order to receive funding, a county must submit an application and meet the Eligibility Criteria.

This document contains information about rules and requirements governing the 2016 SICG-Formula Program, the types of expenses eligible for funding, and instructions for completing and submitting the grant application.

The final authority to administer this grant program rests with the Division of Homeland Security and Emergency Services (DHSES) Office of Interoperable and Emergency Communications (OIEC), including amendments, alterations or changes to these guidelines and award distribution or amount available for award distribution.

2. Objectives

The Office of Interoperable and Emergency Communications (OIEC) seeks to ensure progress towards the goals and milestones described in the New York State Statewide Communications Interoperability Plan (NYS SCIP) and toward communication priorities identified by the Federal government (i.e., SAFECOM Guidance). This program will focus on providing stability, sustainment and further development of LMR systems and regional solutions developed to date.

For the 2016 SICG-Formula Program, the grant intends to aid county, local and municipal public safety organizations in enhancing emergency response, improving capability, improvements in governance structures, operating procedures, infrastructure development, and addressing SAFECOM guidance from the U.S. Department of Homeland Security Office of Emergency Communications (OEC).

The main concepts, chief criteria, program and technical requirements continue to expand and strengthen the commitment to regional partnerships, formalizing governance and implementing operating procedures between counties and agencies. The 2016 SICG-Formula Program applications must utilize non-proprietary, open standards-based technologies and equipment.

Program Goals:

1. Development and coordination of National Interoperability Channels, State, Regional, Tribal and Local mutual aid channels;
2. Development of interoperable communications infrastructure;

3. Improvements of Public Safety Answering Points (PSAPs) toward Next Generation 911 (NG-911) development in accordance with New York State plan and vision.
4. Development of governance and SOPs;
5. Development of inventory of statewide communications resources (i.e. continuous participation in CASM-Communications Assets Survey and Mapping tool) and Tactical Interoperable Communication Plan (TICP¹) development, update and utilization.

3. Grant Performance Period

The period of performance for contracts supported by the 2016 SICG-Formula Program will be from January 1, 2017 until December 31, 2018, with potential for renewal.

4. Funding

This grant program is supported by the Statewide Public Safety Communications Account (i.e., cellular surcharge). For the 2016 SICG-Formula Program, \$45 million has been appropriated for this program.

\$45 million available for the following purposes:

- Maintenance and sustainment expenditures for LMR systems.
- Technological updates and refresh of existing LMR systems, including equipment and software.
- Build-out of new larger-scale systems and infrastructure; expanding access to radio channels and equipment for local and state agencies within a region; and solutions which may aid in resolution of interoperability channel conflicts along Canadian border.
- Expansion of consortiums to currently non-participating members and finalization of agreements between new and current consortium members. These agreements, along with the full integration of SOPs, serve as the basis for efficient utilization of frequency resources, infrastructure and technology, as well as operational, administrative, and governance functions between counties, State Police, and other State agencies.
- Subsequent phases of projects previously initiated; including awards to counties pursuing additional build-out of their systems where coverage and frequencies are lacking in non-awarded partner counties. This will help fulfill the “network of networks” vision by completing connectivity between regions.

¹ TICP captures technology assets, interoperable communications structure, and usage policies and procedures. The TICP defines available assets, prioritization, and utilization procedures. TICP template is available from OEC SAFECOM Program.

- Implementation of technologies to further NG-911 development in accordance with NY State plan and vision.

Annual funding for this program is anticipated, subject to an appropriation. In subsequent grant years, guidelines may be revised to include additional expenditure categories and uses of award funds, or to address future needs of the State in meeting its interoperability goals. In all cases, applications for current or future awards must comply with the provisions of relevant statutes and adhere to the applicable standards, policies and guidelines.

DHSES reserves the right to release additional Requests for Applications until all available funds are expended.

5. Standards and Guidelines

Eligible Applicants must comply with following standards and guidelines listed in this RFA, as applicable:

- 1.1. New York Statewide Communications Interoperability Plan (SCIP)**
The most recent copy of NYS SCIP can be found at
<http://www.dhSES.ny.gov/oiec/interoperability-plans/>
- 1.2. New York State Guidelines for Base Station Implementation of Interoperability and Common Channels in New York State:**
<http://www.dhSES.ny.gov/oiec/plans-policies-guidelines/>
- 1.3. Channel Name and Use of Common Fire VHF Radio Frequency in New York**
<http://www.dhSES.ny.gov/oiec/plans-policies-guidelines/>
- 1.4. NYS Minimum Channel Programming of Interoperability and Common Channels for Public Safety Mobile and Portable Radios:**
<http://www.dhSES.ny.gov/oiec/plans-policies-guidelines/>
- 1.5. NYS Interoperability Channel Naming: 45.88 MHz (LFIRE4D)**
<http://www.dhSES.ny.gov/oiec/plans-policies-guidelines/>
- 1.6. NYS 700MHz Public Safety National Interoperability Channel Plan Guideline**
<http://www.dhSES.ny.gov/oiec/interoperability-plans/>
- 1.7. NYS Name and Use of 155.370 MHz in New York State (NYLAW1) Guideline** <http://www.dhSES.ny.gov/oiec/interoperability-plans/>
- 1.8. NYS Name and Use of Common EMS VHF Radio Channels in New York Guideline** <http://www.dhSES.ny.gov/oiec/interoperability-plans/>
- 1.9. DHS OEC Guidelines for Encryption in Land Mobile Radio Systems**
<http://www.safeComprogram.gov>
- 1.10. SAFECOM Guidance** <http://www.safeComprogram.gov>

- 1.11. APCO Project 25** for digital radio systems
The New York State Communication Interoperability Plan (SCIP), as well as DHSES/OIEC Grant Guidance for grant funding, requires that all interoperable communications equipment employ the use of APCO P-25 compliant equipment; a recommended technology to achieve emergency interoperable communications.
- 1.12. APCO – Wireless 9-1-1 Deployment and Management Effective Practices Guide** <http://www.apcointl.org/standards/apco-standards-for-download.html>
- 1.13. New York State 9-1-1 Standards**, including adoption of a law enforcement jurisdictional protocol that is used for all 911 calls and all emergency calls received by any other means dispatched for service.
- 1.14. OASIS**
For Data Standards refer to OASIS – Organization for the Advancement of Structural Information Standards at www.oasis-open.org
- 1.15. National Plan for Mitigating to IP-Enabled 9-1-1 Systems**
National 911 Office website provides information on development of optimal 911 services. See <http://www.911.gov/911-issues/standards.html>
- 1.16. NENA Standards** www.nena.org
National Emergency Number Association (NENA) Standards related to NG-911 and PSAPs.
- 1.17. APCO Project 36** <http://www.apcointl.org/resources/9-1-1-resources/standards/apco-standards.html>
Universal Standards for Computer Aided Dispatch (CAD) and CAD-to-CAD exchanges.
- 1.18. APCO/CSAA 2.101.1-2008** <http://apcointl.org/resources/9-1-1-resources/standards/apco-standards-for-download.html>
Alarm Monitoring Company to Public Safety Answering Point Computer-aided Dispatch (CAD) External Alarm Interface Exchange (or Automated Secure Alarm Protocol).

II. Eligibility

Any proposal that does not address eligibility requirements listed below will be eliminated from further consideration.

Counties within New York State and New York City (Eligible Applicants) are eligible to apply for the 2016 SICG-Formula Program.

To be eligible to apply for and receive grant funding, applicants must:

- Be a county government requesting funding for the benefit of the county as a single entity. Applications must be submitted by a county government (the five boroughs which comprise New York City (Bronx, Kings, Queens, New York and Richmond) must apply as a single entity.)
- Be an active member of, or demonstrate a commitment to, a **regional consortium**. Such a consortium shall consist of two or more counties formed to promote multi-jurisdictional (two or more) and multi-discipline (two or more) (e.g., law enforcement, fire service, emergency medical, emergency management, public health, public works and communication centers) public safety communications and interoperability; and must support the agencies of the State of New York. If not currently a member of a consortium, the commitment to participate in a consortium must be in effect and certified within 120 days of notice of potential award.
- Have established (or will establish within 120 days of the potential notice of award) a single point of contact, Interoperability Coordinator, to oversee county's interoperability efforts, coordinate interoperability and communication projects. The County will keep this information up to date, reflecting any changes.
- Acknowledge accessibility for other jurisdictions and levels of government, including State agencies, to share communications systems to achieve further statewide cross-jurisdictional and intergovernmental interoperability goals and objectives. It assures formation of strong cross-jurisdictional and multi-governmental interoperability and system(s) accessibility across Counties, Regions and State agencies. (Example may include, but not limited to: County must reserve a space on newly built towers and/or reserve channels/talk groups for public safety State operations).

- In order to implement cooperative use of Interoperable Radio Communications in times of emergency, assistance or other agreed cooperation, a County will permit DHSES employees and authorized users to transmit on radio channels utilized by public safety radio systems established within the county; with the exception of law enforcement channels, which may be used under special needs and circumstances.
- A County will allow for other public safety/public service agencies (including State agencies and authorities) and jurisdictions in your region to operate on county's radio system(s) when required for incidents response, regardless of the total percentage of system funding from the State. As part of this process, the county will cooperate with these agencies and jurisdictions in planning, integrating radios, programming, identifiers and radio procedures.
- A County must dedicate funding (including amounts from any and all sources, such as county funding, this grant program, federal funding, etc.) to improve governance structure, develop Standard Operating Procedures (SOPs), strengthen training and exercise programs to promote efficient interregional communications, interoperability, cooperation and overall first responder readiness.
 - The State recognizes the significance of governance and leadership as a foundation of public safety interoperable communications. Establishing and/or formalizing governance structure, governance agreements, procedures and other documents will build higher levels of interoperability across the State between multiple jurisdictions and agencies. Establishing training and exercise programs will assist in achieving the high level of readiness and preparedness of public safety officers.
- New LMR trunked systems and equipment must be public safety grade Project 25 Phase 2 compliant. County agrees that new LMR systems will be public safety grade operated as Project 25 Phase 1 or Phase 2. All subscriber equipment purchased must support and contain all hardware and/or software options to operate Project 25 Phase 1 at time of purchase. Additionally, all subscriber equipment that operates on, or may operate on (through software options, programming or other methods) trunking system(s) must contain Phase 2 hardware and/or software options at time of purchase.

Note: this requirement does not preclude the limited expansion of existing conventional systems in analog mode, although subscriber equipment must still adhere to the requirements above. Also please note that VHF, UHF and 800 MHz National Interoperability and State Common Channels equipment must meet the

requirements above, however they will be operated in analog mode on those channels as directed by guidelines published by OIEC and the US Department of Homeland Security's National Interoperability Field Operations Guide (NIFOG).

Exception: VHF "Low band" (e.g. 30-50 MHz) equipment purchased as part of an existing system may be purchased and operated as analog only.

(Intent: The State of New York supports Project 25. All new systems must adhere to this requirement, however the State understands many existing systems are analog and do not require a complete replacement. In addition, the State requires Project 25 trunking radios to, at minimum, support Project 25 Phase 2 to ensure that future upgrades do not need to be purchased. County specific usage of Phase 2 in new systems will be determined by county need, loading, Federal spectrum requirements and Regional Planning Committee requirements, as applicable).

- A County must utilize the AES 256 encryption standard, if encryption is utilized.
- A County must implement and/or maintain Interoperability channels on the infrastructure/system basis and program interoperability channels in public safety subscriber equipment. Interoperability base stations for VHF, UHF, 700 and 800 MHz National Interoperability and State Common Channels must operate in accordance with guidelines published by OIEC.
(<http://www.dhSES.ny.gov/oiec/plans-policies-guidelines/>)
- A County must input and maintain up to date information in CASM-Communications Assets Survey and Mapping tool.
- A County must be NIMS compliant.
- Application must include only those costs deemed permissible under the grant.
- Application must be submitted by the method identified in the RFA.
- Application must be submitted on time, prior to the established deadline.
- Application must utilize open-standard/vendor-neutral technologies and equipment.
- MWBE and EEO Requirements- The New York State Division of Homeland Security and Emergency Services (DHSES) recognizes its obligation under New York State Executive law Article 15-A to promote opportunities for the participation

of certified minority-and women-owned business enterprises, as well as the employment of minority group members and women in the performance of DHSES contracts. All DHSES grant contracts require grant recipients to document good faith efforts to provide meaningful participation by M/WBEs as subcontractors or suppliers in the performance of grant contracts, as well as the employment of minority group members and women. Applicants must submit both a (1) Local Assistance M/WBE Subcontractor/Supplier Utilization Proposal Form and (2) M/WBE Equal Employment Opportunity Staffing Plan after award announcement.

- SDVOB requirements. Article 17-B of the Executive Law enacted in 2014 acknowledges that Service-Disabled Veteran-Owned Businesses (SDVOBs) strongly contribute to the economics of the State and the nation. As defenders of our nation and in recognition of their economic activity in doing business in New York State, bidders/proposers for this contract for commodities, services or technology are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles.
- The purpose of the SICG Program is to facilitate the development, consolidation and/or operation of public safety communications to support statewide interoperable communications for first responders. Consistent with that objective, all grantees and subgrantees funded through this program agree to provide DHSES, upon request at any time during the life of the grant contract, such cooperation and information deemed necessary by DHSES to ascertain: (1) the nature and extent of any threats or hazards that may pose a risk to the grantee or subgrantee; and (2) the status of any corresponding grantee or subgrantee plans, capabilities, or other resources for preventing, protecting against, mitigating, responding to, and recovering from such threats or hazards.
- Additionally, pursuant to Article 26 of the NYS Executive law, DHSES is authorized to undertake periodic drills and simulations designed to assess and prepare responses to terrorist acts or threats and other natural and man-made disasters. Funded grantees and subgrantees agree to attend and participate in any DHSES-sponsored conferences, training, workshops or meetings (excluding those identified by DHSES as voluntary) that may be conducted, by and at the request of DHSES, during the life of the grant contract.

Failure to comply with any and all requirements in this section may result in the immediate suspension and/or revocation of the grant award.

III. Authorized Program Expenditures

1. Permissible Costs

Funding under the SICG-Formula Program may be used for certain planning, equipment, and training costs relative to the Grant Objectives and Program Goals. The permissible costs may include, but are not limited to, the categories below.

Equipment, Infrastructure and Technology

- Up to 20% base salary on an annual basis of a person performing duties of a County Interoperability Coordinator (does not include overtime);
- Radio Frequency Systems (e.g. microwave, base stations, antennas, other);
- Subscriber Equipment (mobiles, portables, desktop);
- Towers;
- Upgrade of Customer Premises Equipment (CPEs) to IP-based technologies;
- Network components (e.g. routers, switches) as related to public safety communications;
- Telecommunication circuit setups;
- Shelters;
- Gateways;
- Backup power;
- Fiber and microwave connectivity (i.e. backhaul);
- Cost of lease or lease to purchase on LMR buildouts;
- LMR maintenance costs;
- Tower site security;
- Other LMR related expenses.

Planning, Administration and Deployment Costs

- Services relating to development of governance, documentation and SOPs;
- Utilization of Communications Assets Survey and Mapping (CASM) and development of Tactical Interoperable Communications Plans (TICPs);
- Services relating to developing, designing and implementing interoperability plans and network system development;
- Training and Exercises pertaining to system/equipment proposal and enhancements in interregional/interagency response readiness;
- Costs associated with the development and deployment of public safety communications systems, networks, technology or facilities whose purpose is to provide the sharing of voice, data and video transmissions; dispatch and incident management involving two or more organization or jurisdiction and in accordance with approved interoperability plans and operating standards.

2. Costs Not Permissible

- Proprietary technologies;
- Salaries, overtime, or travel expenses associated with existing or on-going operations (for the exception of eligible portion of County Interoperability Coordinator salary);
- Paging receivers;
- Broadband;
- CAD systems and software;
- Public safety answering points furniture, including dispatch furniture
- Emergency Services IP network (ESInet);
- Debt service or local municipal bond funding;
- Recurring commercial service costs, such as cellular voice, data or leased time;
- Out of State travel expenses to conferences, meetings, training sessions, etc.

IV. Application Guidelines

All grant application documents must be submitted via e-mail to Grant.Info@dhses.ny.gov by **5:00 pm December 8, 2016**.

All applicants must complete the 2016 SICG-Formula Program application and any required attachments. Only one application can be submitted from each County. If multiple applications are submitted, all applications will be rejected. All information, affirmations and certifications will be treated as material representations of fact on which DHSES will rely in awarding grants. Request for application package consists of RFA Instructions, RFA Application, and Attachments.

Applicants must complete all sections of the application as described below. Since applicant responses comprise the application, attention should be given to the completeness and specificity of the responses.

Indicate if a statement or question is not relevant to your agency or application.

Following the announcement of the awards, each awarded county must submit their proposed budget to DHSES. Failure to submit this information will prevent a contract from being executed.

V. Funding Distribution

Funding distribution is based on two-tiered approach:

Tier 1 – Eligibility Requirements (pass/fail) and

Tier 2 – Formula driven distribution based on specific factors.

VI. Application Evaluation Criteria

The following multi-tiered criteria will be used by DHSES to evaluate each application and to determine eligibility of applications and award distribution.

A. Tier 1 Criteria

Tier 1 criteria are rated either “yes” or “no” and serve as a baseline by DHSES to determine if applicants are eligible and have appropriately submitted all of the required application materials. If any of the answers are “no”, the application may not be considered for funding. In addition to criteria listed in the 2016 SICG-Formula Application document, following factors will be taken into consideration:

1. Was the application submitted on time?
2. Was the application complete (included all required attachments, if applicable)?
 - a. Signed Application Cover page (pdf)
 - b. 2016 SICG-Formula Application Worksheet (Word doc)
3. Did the application meet the eligibility requirements?

B. Tier 2 Criteria

Applications, meeting the Tier 1 review, will be included in Tier 2, formula driven funding distribution based on specific factors.

Formula-based distribution will use a precise mathematical formula with logic elements to calculate and distribute the available State grant funding to counties. Calculations will reflect characteristics and objectives of the SICG-Formula program and will be based on quantifiable elements and denumerable components. The formula will reflect county’s needs based on specific factors

and also balance the State's interests in developing reliable interoperable communications systems throughout the State.

Some of the elements for calculations are readily available from the decennial census and other certifiable data and statistics will be surveyed from a county in this application. All the data provided by counties must be verifiable and auditable.

Elements included in the formula:

- County population
- Land area of the county
- Current quantity of towers or structures owned/leased by county for county LMR operations
- How many State Agencies and Authorities are operating on the county system
- How many County users are on the system
- National Interoperability channels implemented on the system
- Monitoring of National Interoperability channels
- Is system P25
- Applicant maintains current data in the CASM database

VII. Application Submission

Applications must be received **via e-mail by 5:00 pm** on the date posted on the cover of this RFA. Late applications may not be considered for funding. Applicants must follow directions for submission of applications provided in this RFA.

- 1) Application must be completed in the form provided. Application received in any other form or format will not be accepted.
- 2) Complete all fields of the application.
- 3) The application package must be submitted in electronic format to Grant.Info@dhses.ny.gov and consist of the following:
 - a. Scanned copies of Application Cover Page, i.e. Signature Page (pages 5 & 6 of 2016 SICG-Formula Application Worksheet document), as a pdf file named **"2016 SICG-Formula_County Name_Signature"**.
 - b. 2016 SICG-Formula Application Worksheet, as a Word Document, with the following name: **"2016 SICG-Formula_County Name"**.
 - c. Any optional attachments (1, 2, or 3) you are including with your application with the following name: **"2016 SICG-Formula_County Name_Attachment X"**, (X=1, 2, or 3).
- 4) Submit complete application package electronically (e-mail) to Grant.Info@dhses.ny.gov, partial submissions will not be accepted.

VIII. Approval and Notification of Awards

The Commissioner of DHSES will provide oversight of the grant review process. DHSES will notify applicants in writing as to final grant award determinations. Nothing herein requires or prohibits DHSES to approve grant funding for any one applicant, certain applicants, no applicants, or all applicants. Any disbursement of an award is contingent upon entering into a contract with DHSES, as explained in full detail below.

Following the announcement of the awards, each awarded county must submit their proposed budget to DHSES. Failure to submit this information will prevent a contract from being executed.

IX. Administration of Grant Contracts

DHSES will negotiate and develop a grant contract with the applicant based on the contents of the submitted application and intent of the grant program as outlined in this RFA. 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 be disbursed to reimburse project expenses.

The period of performance for contracts supported by 2016 SICG-Formula Program funds is expected to be from January 1, 2017 through December 31, 2018. Although the contract format may vary, the contract will include such standard terms and conditions included in DHSES grant contracts available for review on the DHSES website: <http://www.dhses.ny.gov/grants>.

A. Issuing Agency

This RFA is issued by DHSES, which is responsible for the requirements specified herein and for the evaluation of all applications.

B. Filing an Application

Grant applications must be submitted via electronic mail (email) to the Grants Program Administration unit of DHSES. Completed applications, along with any required documentation, must be submitted to Grant.Info@dhSES.ny.gov by the application deadline.

C. Reservation of Rights

DHSES reserves the right to:

1. Postpone or cancel this document upon notification on the DHSES website.
2. Amend the specifications after their release with appropriate notice on the DHSES website. The applicant, however, shall remain solely responsible to check the website periodically for updates and conform to such requirement prior to the final deadline.
3. Award any number or no contracts resulting from this RFA.
4. Reject any or all applications received in response to this RFA.
5. Seek clarifications and revisions of applications.
6. Increase or decrease funding amounts based upon a reallocation or cancellation of funding awards.
7. Waive or modify minor irregularities in applications received after prior notification to the applicant.
8. Adjust or correct cost figures, with the concurrence of the applicant, if errors exist and cannot be documented to the satisfaction of DHSES and the State Comptroller.
9. Negotiate with applicants responding to this RFA within the requirements to serve the best interests of the State.
10. Award grants based on geographic or regional considerations to serve the best interests of the State.
11. Eliminate mandatory requirements unmet by all applicants.
12. Waive any requirement that is not material.
13. If DHSES is unsuccessful in negotiating a contract with the selected applicant within an acceptable timeframe, DHSES may begin contract negotiations with the next qualified applicant(s) in order to serve the best interests of the State.
14. Award grants based on the best interests of the State.
15. Terminate, renew, amend or renegotiate contracts with sub-recipients at the discretion of DHSES.
16. Periodically monitor the sub-recipient's performance in all areas mentioned above, in addition to the activities in the contract.
17. Revoke funds awarded to an applicant, or enforce any available sanction against any applicant, who materially alters the activities or is in material noncompliance under the grant award, or who does not implement an approved project within 60 days of the final contract approval.
18. Release, in whole or in part, the contents of the application subject to the Freedom of Information Law or any other purpose deemed suitable by DHSES. All applications will become State agency records, which will be available to the public in accordance with the Freedom of Information Law. Any portion of the application that an applicant believes constitutes proprietary information entitled to confidential handling as an exception to the Freedom of Information Law, must be clearly and specifically designated in the application. If DHSES agrees with the proprietary claim, the designated portion of the

application will be withheld from public disclosure. Blanket assertions of proprietary material will not be accepted, and failure to specifically designate proprietary material may be deemed a waiver of any rights to confidential handling of such material.

19. Recipients and sub-recipients funded through this program agree to provide DHSES, upon request at any time during the life of the grant contract, such cooperation and information deemed necessary by DHSES to ascertain: (1) the nature and extent of any threats or hazards that may pose a risk to the recipient or sub-recipient; and (2) the status of any corresponding recipient or sub-recipient plans, capabilities, or other resources for preventing, protecting against, mitigating, responding to, and recovering from such threats or hazards.
20. Funded recipients and sub-recipients agree to attend and participate in any DHSES-sponsored conferences, training, workshops, or meetings (excluding those identified by DHSES as voluntary) that may be conducted, by and at the request of DHSES, during the life of the grant contract.

D. Term of the Contract

Any resulting contract or agreement for more than \$50,000 from this RFA will be effective only upon approval by both the NYS Office of the Attorney General and State Comptroller. Any resulting contract for under \$50,000 from this RFA will be effective upon signature of both parties.

E. Payment and Reporting Requirements of Grant Recipients

1. Standard Cost Reimbursement Contract

Each successful applicant must enter into a standard cost reimbursement contract with DHSES. Such contract will include this Request for Applications, the successful applicant's proposal, any attachments or exhibits and the standard clauses required by the NYS Attorney General for all State contracts (available upon request). The contract will be subject to approval by the Attorney General and State Comptroller. Although the contract format may vary, the contract will include such clauses, information and rights and responsibilities as can be found on the DHSES website, including:

APPENDIX A-1 - Agency Specific Clauses
APPENDIX B - Budget
APPENDIX C - Payment and Reporting Schedule
APPENDIX D – Work plan/Special Conditions

For purposes of this RFA, these terms and conditions are incorporated by reference and the applicant must agree to the inclusion of all of these terms and conditions in any resulting grant contracts as part of the application

submission. Copies of the standard terms and conditions included in DHSES grant contracts are available for review on the DHSES website at: <http://www.dhSES.ny.gov/grants/>. Payments will be made subject to proper documentation and compliance with reimbursement procedures and all other contractual requirements.

2. Compliance with State Laws and Regulations, Including Procurement and Audit Requirements

Procurements

Additionally, applicants must follow and comply with all procurement procedures under General Municipal Law 5A.

Contracting with Small and Minority Firms, Women's Business Enterprise and Labor Surplus Area Firms

Pursuant to New York State Executive Law Article 15-A, the New York State Division of Homeland Security and Emergency Services 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 New York State Division of Homeland Security and Emergency Services contracts.

For purposes of this solicitation, applicants and sub-recipients are hereby notified the State of New York has set an overall goal of **30% for MWBE participation** or more, **15% for Minority-Owned Business Enterprises** ("MBE") participation and **15% for Women-Owned Business Enterprises** ("WBE") participation, based on the current availability of qualified MBEs and WBEs for your project needs.

Use of Service-Disabled Veteran-owned Business Enterprises in Contract Performance

Article 17-B of the Executive Law enacted in 2014 acknowledges that Service-Disabled Veteran-Owned Businesses (SDVOBs) strongly contribute to the economics of the State and the nation. As defenders of our nation and in recognition of their economic activity in doing business in New York State, bidders/proposers for this contract for commodities, services or technology are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles. SDVOBs can be readily identified on the directory of certified businesses at

http://ogs.ny.gov/Core/docs/CertifiedNYS_SDVOB.pdf

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 of the State Finance Law and the Executive Law to use responsible and responsive SDVOBs in purchasing and utilizing commodities, services and technology that are of equal quality and functionality to those that may be obtained from non-SDVOBs. Furthermore, bidders/proposers are reminded that they must continue to utilize small, minority and women-owned businesses consistent with current State Law. Utilizing SDVOBs in State contracts will help create more private sector jobs, rebuild New York State's infrastructure, and maximize economic activity to the mutual benefit of the contractor and its SDVOB partners. SDVOBs will promote the contractor's optimal performance under the contract, thereby fully benefiting the public sector programs that are supported by associated public procurements.

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

For purposes of this solicitation, applicants and sub-recipients are hereby notified the State of New York has set an overall goal of 6% for SDVOB participation or more.

Contractor will report on actual participation by each SDVOB during the term of the contract to the contracting agency/authority according to policies and procedures set by the contracting agency/authority.

3. Iran Divestment Act

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date, at which time it will be posted on the OGS website.

4. Vendor Responsibility

Recipients/Contractors shall at all times during the Contract term remain responsible. The Recipients/Contractor agrees, if requested by the Commissioner of DHSES, or his or her designee, to present evidence of its continuing legal authority to do business in New York State, integrity,

experience, ability, prior performance, and organizational and financial capacity.

a) Suspension of Work for Non-Responsibility:

The Commissioner of DHSES or his or her designee, in his or her sole discretion, reserves the right to suspend any or all activities under the Contract, at any time, when he or she discovers information that calls into question the responsibility of the Recipient. In the event of such suspension, the Recipients/Contractor will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the Contractor must comply with the terms of the suspension order. Contract activity may resume at such time as the Commissioner of DHSES or his or her designee issues a written notice authorizing the resumption of performance under the Contract.

b) Termination for Non-Responsibility:

Upon written notice to the Recipients/Contractor, and a reasonable opportunity to be heard by appropriate DHSES officials or staff, the Contract may be terminated by the Commissioner of DHSES or his or her designee at the Contractor's expense where the Recipients/Contractor is determined by the Commissioner of DHSES or his or her designee to be non-responsible. In such event, the Commissioner of DHSES or his or her designee may complete the contractual requirements in any manner he or she may deem advisable and pursue legal or equitable remedies for breach.

F. Satisfactory Progress

Satisfactory progress toward implementation includes, but is not limited to; executing contracts and submitting payment requests in a timely fashion, retaining consultants, completing plans, designs, reports, or other tasks identified in the work program within the time allocated for their completion. DHSES may recapture awarded funds if satisfactory progress is not being made on the implementation of a grant project.

G. General Specifications

By submitting the application, the applicant attests that:

1. Applicant has express authority to submit on behalf of the applicant's agency.
2. Submission of an application indicates the applicant's acceptance of all conditions and terms contained in this document, including Appendices A-1 and C and all other terms and conditions of the award contract.
3. The application and any resulting grant, if awarded, must adhere to, and be in full compliance with any, resulting contract(s) and relevant federal and states policies and regulations or be subject to termination.

4. Any not-for-profit recipients are required to be prequalified, prior to contract execution, by the State of New York upon application submission through the New York State Grants Gateway (<https://grantsgateway.ny.gov>).

H. Special Conditions

New York State Emergency Management Certification and Training Program

1. Participation in, and successful completion of, the New York State Emergency Management Certification and Training Program (EMC Training Program) is a mandatory requirement under this Contract and a condition of funding. The EMC Training Program will be made available to, and required for, DHSES-specified county and city government officials in order to ensure a consistent emergency management preparedness and response strategy across the State. Attendee substitutions, except as expressly approved by DHSES, shall not be permitted or deemed to be in compliance with this requirement.
2. To fulfill the EMC Training Program requirement of the Contract and in order to be eligible for funding under this Contract, Contractors must arrange for DHSES-specified Contractor employees to receive and acknowledge receipt of EMC Training no later than 180 days after execution of this Contract. Copies of the training certificates for each required participant must be submitted to DHSES upon execution of the Contract, or, in the event that training is scheduled, but not yet complete, the Contractor will be required to submit a signed statement indicating the scheduled future dates of attendance, and no later than thirty (30) days after the training is complete, forward such training certificates to DHSES. Continued compliance with the EMC Training Program also requires an annual refresher training of one day per 365 day-cycle from the date of initial training for previously trained individuals if such person remains employed by the Contractor and fulfilling the same functions as he or she fulfilled during the initial training. Should a new employee be designated to serve in the DHSES-specified positions, then he or she must come into compliance with the EMC Training Program requirements not later than 180 days after taking office.
3. Contractors must commit to active participation in a DHSES Annual Capabilities Assessment as a condition of funding. Active participation includes making reasonable staff, records, information, and time resources available to DHSES to perform the Annual Capabilities Assessment and meet the objectives and goals of the program. Recipients must be aware that the process of conducting a DHSES Annual Risk Assessment is an ongoing process and requires a continued commitment on the part of the Contractor to ensure that it is effective.
4. All recipients and sub-recipients funded through this program agree to provide DHSES, upon request at any time during the life of the grant contract, such cooperation and information deemed necessary by DHSES to ascertain: (1)

the nature and extent of any threats or hazards that may pose a risk to the recipient or sub-recipient; and (2) the status of any corresponding recipient or sub-recipient plans, capabilities, or other resources for preventing, protecting against, mitigating, responding to, and recovering from such threats or hazards.

5. Additionally, pursuant to Article 26 of the NYS Executive law, DHSES is authorized to undertake periodic drills and simulations designed to assess and prepare responses to terrorist acts or threats and other natural and man-made disasters. Funded recipients and sub-recipients agree to attend and participate in any DHSES-sponsored conferences, training, workshops or meetings (excluding those identified by DHSES as voluntary) that may be conducted, by and at the request of DHSES, during the life of the grant contract.
6. Failure to comply with any of the requirements, as listed above, may result in sanctions up to and including the immediate suspension and/or revocation of the grant award.

X. Questions

Questions regarding the 2016 SICG-Formula Program should be directed to the following e-mail address Grant.Info@dhSES.ny.gov. To the degree possible, each inquiry should cite the RFA section and paragraph to which it refers. Updates and frequently asked questions will be posted online at <http://www.dhSES.ny.gov/oiec/grants/> Please check the website frequently for updates.