



**Homeland Security  
and Emergency Services**

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

## **2020 Statewide Interoperable Communications Grant Program (Formula – Based Grant Program)**

### **Request for Applications (RFA)**

**Application Deadline: June 11, 2021**

**Substantive written questions regarding this RFA will be accepted until 5:00PM EDT on May 31, 2021. RFA updates will be posted by June 4, 2021.**

Revision 0, March 15, 2020

## Revision History

Revision #	Date	Description	Pages Affected
Original	03/15/2021	Original Document	1-28

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## **I. General Information**

### **1. Summary Description**

The purpose of this Request for Applications (RFA) is to solicit applications for the 2020 Statewide Interoperable Communications Grant Program (SICG-Formula Program). Funding for the 2020 SICG-Formula Program is distributed by formula and a total of \$45 million in funding is available to eligible counties and New York City, as a single entity, (hereafter “Counties” or “Applicant”) from this year’s appropriation.

The SICG-Formula Program is State support in the form of reimbursement for eligible expenses that aids localities in sustaining and improving Land Mobile Radio Systems (LMR); maintenance of components that support interoperability; training and exercises that include communications as a component; and sustaining and developing governance structures to improve interoperable communications. The 2020 SICG-Formula Program also supports county public safety organizations in enhancing emergency response, improving on capability and performance results from the U.S. Department of Homeland Security’s (DHS) National Emergency Communications Plan, improving operating procedures and infrastructure development, and addressing SAFECOM guidance from the DHS Cybersecurity and Infrastructure Security Agency (CISA).

The SICG-Formula Program concentrates on improving interoperability and operability of communication systems in New York State. The SICG-Formula Program focuses on minimizing gaps in interoperable communications by aligning technology acquisitions with its operational use by first responders, providing the foundation necessary to accomplish a high level of interoperability.

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.

While funding amounts are distributed on a formula basis, final awards are not automatic and are contingent upon 1) the submission of a completed application from the county that meets the Eligibility Criteria set in this RFA, and 2) an executed, reimbursement-based contract.

This document contains information about the 2020 SICG-Formula Program rules and requirements, the types of expenses eligible for funding, and instructions for completing and submitting the grant application.

The SICG-Formula Program is open only to county governments which meet the criteria contained in Part II below. Please refer to Part II for further details on eligibility.

**The final authority to administer this grant program rests with DHSES, including amendments or modifications to these guidelines, award distribution, and/or the amount available for award distribution.**

## **2. Objectives**

OIEC seeks to ensure progress towards the goals and milestones described in the New York State Statewide Communications Interoperability Plan (SCIP) and toward communication priorities identified by the Federal government (i.e., SAFECOM Guidance). The SICG-Formula Program focuses on providing stability, sustainment, and further development of LMR systems and regional solutions implemented to date.

The SICG-Formula Program intends to aid county, local, and municipal public safety organizations by enhancing emergency response; improving capability, governance structures, operating procedures, and infrastructure development; and addressing SAFECOM guidance from CISA.

The main concepts, chief criteria, program and technical requirements of this grant program continue to expand and strengthen OIEC's commitment to regional partnerships, formalizing governance, and implementing operating procedures between counties and agencies. Applicants for the 2020 SICG-Formula Program must utilize non-proprietary, open standards-based technologies and equipment.

### **2020 SICG-Formula Program Goals:**

1. Development and coordination of National Interoperability Channels, as well as, 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 (NG911) development in accordance with New York State's plan and vision;
4. Development of governance and Standard Operation Procedures (SOPs);
5. Development of an inventory of statewide communications resources (i.e., continuous participation in Communications Assets Survey and Mapping

(CASM) tool) and Tactical Interoperable Communication Plan (TICP<sup>1</sup>) development, updates, and utilization.

### **3. Grant Performance Period**

The period of performance for contracts supported by 2020 SICG-Formula Program funds is January 1, 2021 until December 31, 2023, with the potential for extension based upon a good cause shown and justification for needing additional time.

### **4. Funding**

The funding for this grant program is appropriated from the Public Safety Communications Account, established by New York State Finance Law Section 97-qq. For the 2020 SICG-Formula Program, \$45 million has been appropriated.

**\$45 million is available for reimbursing county expenditures 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 the Canadian border;
- Expansion of communications consortiums to currently non-participating counties 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 communications-related projects previously initiated; including awards to counties pursuing additional build-out of their systems where coverage and frequencies are lacking. (This will help fulfill the “network of networks” vision by completing connectivity between regions); and
- Implementation of technologies to further NG911 development in accordance with the State plan and vision (i.e., SCIP).

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<sup>1</sup> 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.

**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 the following standards and guidelines, as applicable:

**1) NYS SCIP**

<http://www.dhses.ny.gov/oiec/plans-policies-guidelines/>

**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/>

**3) Channel Name and Use of Common Fire VHF Radio Frequency in New York**

<http://www.dhses.ny.gov/oiec/plans-policies-guidelines/>

**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/>

**5) NYS Interoperability Channel Naming: 45.88 MHz (LFIRE4D)**

<http://www.dhses.ny.gov/oiec/plans-policies-guidelines/>

**6) NYS 700MHz Public Safety National Interoperability Channel Plan Guideline**

<http://www.dhses.ny.gov/oiec/plans-policies-guidelines/>

**7) NYS Name and Use of 155.370 MHz in New York State (NYLAW1) Guideline**

<http://www.dhses.ny.gov/oiec/plans-policies-guidelines/>

**8) NYS Name and Use of Common EMS VHF Radio Channels in New York Guideline**

<http://www.dhses.ny.gov/oiec/plans-policies-guidelines/>

**9) DHS CISA Guidelines for Encryption in Land Mobile Radio Systems**

<https://www.cisa.gov/safecom/technology>

**10)SAFECOM Guidance**

<https://www.cisa.gov/safecom>

**11)The Association of Public-Safety Communications Officials (APCO)  
Project 25 (P-25) for digital radio systems**

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 technology that allows the achievement of efficient emergency interoperable communications.

**12)APCO – Wireless 911 Deployment and Management Effective Practices Guide<sup>2</sup>**

<https://www.apcointl.org/download/wireless-9-1-1-deployment-and-management-effective-practices-guide/?wpdmdl=6457>

**13)New York State 911 Standards (21 NYCRR Chapter LX),** 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.

**14)Organization for the Advancement of Structural Information Standards (OASIS)**

For Data Standards refer to OASIS at [www.oasis-open.org](http://www.oasis-open.org)

**15)National Plan for Mitigating to IP-Enabled 911 Systems**

National 911 Office website provides information on development of optimal 911 services. See [https://www.911.gov/documents\\_tools.html](https://www.911.gov/documents_tools.html).

**16)National Emergency Number Association (NENA) Standards**

NENA Standards related to NG-911 and PSAPs. See [www.nena.org](http://www.nena.org).

**17)ANSI/APCO Public Safety Grade Site Hardening Requirements**

APCO ANS 2.106.1-2019 <https://www.apcointl.org/download/public-safety-grade-site-hardening-requirements/?wpdmdl=29917>

**18)Alarm Monitoring Company to Public Safety Answering Point (PSAP)  
Computer-Aided Dispatch (CAD) Automated Secure Alarm Protocol (ASAP)**

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<sup>2</sup> Please refer to <https://www.apcointl.org/standards/standards-to-download/> for additional standards, as applicable to projects.



APCO/CSAA ANS 2.101.2-2014 <https://www.apcointl.org/download/alarm-monitoring-company-to-psap-cad-automated-secure-alarm-protocol-asap/?wpdmdl=5938>

## II. Eligibility

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

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

- Be a county government within New York State or New York City requesting funding for the benefit of the county as a single entity. Applications must be submitted by a county government. (The five counties 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 join, at least one New York State Regional Interoperable Communications Consortium. Such a consortium must consist of two or more counties; be formed to promote multijurisdictional (two or more) and multidisciplinary (two or more) public safety communications and interoperability (e.g., law enforcement, fire service, emergency medical, emergency management, public health, public works, and communication centers); and support New York state agencies. If an applicant is not a current 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. Failure to certify a consortium commitment will result in forfeiture of the award.
- Have established, or will establish within 120 days of the potential notice of award, a single point of contact (the Interoperability Coordinator), to oversee the applicant county interoperability efforts and coordinate interoperability and communication projects. Applicants are expected to keep this information up to date and readily available to DHSES upon request.
- Affirmatively agree to 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. This assures the formation of strong cross-jurisdictional and multigovernmental interoperability and system(s) accessibility across counties, regions, and State agencies. For example, in order to provide accessibility, an applicant county must reserve a space on newly built towers and/or reserve channels/talk groups for public safety State operations.
- Permit DHSES employees and authorized users to transmit on radio channels utilized by public safety radio systems established within the county in order to implement cooperative use of interoperable radio communications in times of emergency, assistance, or otherwise agreed upon cooperation; law enforcement channels are exempt from this requirement.

- Allow for other public safety/public service agencies (including State agencies and authorities) and jurisdictions in its region to operate on county's radio system(s) when required for incident response, regardless of the total percentage of system funding the county is receiving from the State. As part of this process, the county will cooperate with these agencies and jurisdictions in planning and integrating radios, programming, identifiers, and radio procedures.
- 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), and 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. Therefore, 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 a high level of readiness and preparedness of public safety officers.
- Ensure that new LMR trunked systems and equipment be public safety grade P-25 Phase 2 compliant. The applicant county must agree that new LMR systems will be public safety grade operated as P-25 Phase 1 or Phase 2. All subscriber equipment purchased must support and contain all hardware and/or software options to operate P-25 Phase 1 at the 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, as directed by guidelines published by OIEC and DHS's National Interoperability Field Operations Guide, VHF, UHF, and 800 MHz National Interoperability and State Common Channels equipment must meet the above requirements, regardless of how they will be operated in analog mode on those channels.
    - 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.
- Utilize Advanced Encryption Standard-256 if encryption is utilized.
- Implement and/or maintain interoperability channels on the infrastructure/system 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/>).

- Input and maintain up-to-date information in CASM.
- Be National Incident Management System (NIMS) compliant.
- Include only those costs deemed permissible under the grant.
- Submit the application by the method identified in the RFA.
- Submit the application on time by the established deadline.
- Utilize open-standard/vendor-neutral technologies and equipment.
- Comply with Minority-and-Women-Owned Business Enterprises (MWBE) or Service-Disabled Veteran-Owned Businesses (SDVOBs) and Equal Employment Opportunity (EEO) Requirements.
- 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 subrecipient; and 2) the status of any corresponding recipient or subrecipient plans, capabilities, or other resources for preventing, protecting against, mitigating, responding to, and recovering from such threats or hazards.
- 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.<sup>3</sup>

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

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<sup>3</sup> Pursuant to Article 26 of New York State 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.

### III. Authorized Program Expenditures

#### 1. Permissible Costs

Funding under the SICG-Formula Program may be used for certain planning, equipment, and training costs related to the Grant Objectives and Program Goals. Permissible costs include, but are not limited to, the categories below. DHSES has sole discretion in determining which costs are permissible.

##### 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; and
- Other LMR related expenses.

##### Planning, Administration, and Deployment Costs

- Services relating to the development of governance and SOPs;
- Utilization of 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 to provide sharing of voice, data, and video transmissions.

## 2. Not Permissible Costs

- Proprietary technologies;
- Salaries, overtime, fringe, indirect, or travel expenses associated with existing or on-going operations (with the exception of eligible portion of County Interoperability Coordinator salary);
- Paging receivers;
- Broadband;
- CAD systems and software;
- PSAP 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; and
- Out of State travel expenses to conferences, meetings, training sessions, etc.

## IV. Application Format and Content

**A. Format:** Grant applications MUST be submitted via the automated E-Grants System operated by DHSES. The system allows an agency to complete an application electronically and submit it over the Internet using a secure portal. If upon reading this RFA you are interested in completing a grant application, and you have not previously been registered to use the DHSES E-Grants system, your agency will need to register and be assigned a user name and password. The Registration Request Form to use the E-Grants system is available at: <http://www.dhses.ny.gov/grants/forms-egrants.cfm>.

A detailed tutorial on how to use the E-Grants system for SICG-Formula Grant submission can be found on DHSES OIEC Grants webpage at the following Internet address <http://www.dhses.ny.gov/oiec/grants/>. It will guide you in a step-by-step process through the E-Grants application submission.

**B. Required Application Content:** All applicants must complete the 2020 SICG-Formula Grant Program Application Worksheet. The worksheet must be completed in its entirety, including the general information, applicant eligibility, and data aggregation sections of the application. **Incomplete applications will not be accepted.**

The Grant instructions and “Question and Answers” received during an application period are available on the DHSES OIEC website (<http://www.dhses.ny.gov/oiec/grants/>) under the “2020 SICG-Formula Grant” tab.

After the successful submission of an application, the E-Grants system will email a notification of receipt to the Signatory Point of Contact that is listed in the application. The Primary Point of Contact will receive a message displayed on their screen that says that the project has been submitted. Please refer to the E-grants tutorial for more details on the process.

**Following the announcement of the awards, each awardee county must revise and submit the Budget spending reflecting the actual award through the E-Grants system. Failure to complete the Budget will prevent the execution of a contract. The proposed budget must be submitted within 45 calendar days or the awardee county risks forfeiture of its award.**

## **V. Funding Distribution**

Funding distribution is based on a two-tiered approach:

Tier 1 – Eligibility Requirements (pass/fail); and

Tier 2 – Formula-driven distribution based on specific factors.

## **VI. Application Evaluation Criteria**

DHSES will use the following criteria to evaluate each application to determine eligibility 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 the required application materials. If any of the answers are “no,” the application may be immediately disqualified without further review and will not be considered for an award.

In addition to criteria listed in the 2020 SICG-Formula Application document, the following factors will be taken into consideration:

1. Was the application submitted on time?
2. Was the application complete and included all required attachments?
  - a. 2020 SICG-Formula Application Worksheet (Microsoft Excel document)

- b. Documented agreement(s) and/or county records allowing NY State Agencies to operate on the county system (submit only documents that have not been previously submitted under this Grant Program)

## **B. Tier 2 Criteria**

Applications that pass the Tier 1 review proceed to Tier 2. Tier 2 consists of a formula driven funding distribution based on specific factors, including verifiable and auditable information provided by the counties in their application.

### 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;
- P-25 Compliance; and
- Applicant maintains current data in the CASM database.

## **VII. Timeline and Checklist of Required Documentation**

- Applications are due to DHSES by **5:00PM EDT on June 11, 2021.**
- Applications must be submitted via E-Grants. Applications that are not received by the due date will not be considered for funding.
- Complete applications must include answers to all questions listed in the application.
- County can attach documents to an application, if they would like to provide additional explanations of their projects.



## VIII. Award of Funds and Vendor Responsibility

Final grant award determinations are made by DHSES. DHSES will issue award letters to successful applicants and enter into reimbursement-based grant contracts with awardees.

**Following the announcement of the awards, each awardee county must submit their proposed budget to DHSES within 45 calendar days or risk forfeiture of its award.**

By law, State contracting entities may only award contracts to responsible vendors. A responsible vendor must have:

- the integrity to justify the award of public dollars; and
- the capacity to perform the requirements of the contract fully.

**Vendor Responsibility:** The awardee county's vendors shall at all times during the contract term remain responsible. An awardee and/or its vendors must, if requested by the Commissioner of DHSES or his or her designee, present evidence of the vendor's continuing legal authority to do business in New York State, integrity, experience, ability, prior performance, and organizational and financial capacity.

**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 a contract, at any time, when he or she discovers information that calls into question the responsibility of the awardee and its vendors. In the event of such suspension, the vendor will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the awardee and the vendor 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.

**Termination for Non-Responsibility:** Upon written notice to the vendor, 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 vendor's expense where the vendor 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 such breach.

## **IX. Administration of Grant Contracts**

DHSES will negotiate and develop a grant contract with the awardee based on the contents of the awardee's submitted application and the 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 2020 SICG-Formula Grant Program funds runs from January 1, 2021 to December 31, 2023 with the potential for extension based upon a good cause shown and justification for needing additional time.

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 at <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 the automated DHSES E-Grants System. The system allows an agency to complete an application electronically and submit it over the Internet using a secure portal. If, upon reading this RFA, you are interested in completing a grant application and you have not previously been registered to use the DHSES E-Grants system, your agency will need to register and be assigned a user name and password. The Registration Request Form can be found at the following Internet address: <http://www.dhses.ny.gov/grants/forms-egrants.cfm>.

A detailed tutorial on how to use the E-Grants system for SICG-Formula Grant submission can be found on DHSES OIEC Grants webpage at the following Internet address <http://www.dhses.ny.gov/oiec/grants/> . It will guide you in a step-by-step process through the E-Grants application submission.

### **C. Reserved Rights**

The issuance of this RFA and the submission of a response or the acceptance of such response by DHSES does not obligate DHSES in any manner. DHSES reserves the right to:

1. Reject any and all applications received in response to this RFA;
2. Withdraw the RFA at any time at DHSES' sole discretion;
3. Make an award under the RFA in whole or in part;
4. Disqualify any applicant whose conduct and/or application fails to conform to the requirements of the RFA;
5. Disqualify applicants due to untimely submission of any requested supporting documentation.
6. Seek clarifications and revisions of the applications;
7. Use application information obtained through site visits, management interviews and the State's investigation of an applicant's qualifications, experience, ability or financial standing, and any material or information submitted by the applicant in response to DHSES' request for clarifying information in the course of evaluation and/or selection under the RFA;
8. Prior to the application opening, direct applicants to submit application modifications addressing subsequent RFA amendments;
9. Prior to the application opening, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available;
10. Make amendments and/or alter funding levels of any recipient based on any new information discovered that would have originally affected the scoring;
11. Waive or modify minor irregularities in applications received after prior notification to the applicant;
12. 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;
13. Change any of the scheduled dates;
14. Eliminate any mandatory, non-material specifications that cannot be complied with by all the prospective applicants;
15. Waive any requirements that are not material;
16. Negotiate with successful applicants within the scope of the RFA in the best interests of the State;
17. Conduct contract negotiations with the next responsible applicant, should DHSES be unsuccessful in negotiating with the selected applicant;
18. Utilize any and all ideas submitted in the applications received;
19. Unless otherwise specified in the RFA, every offer is firm and not revocable for a period of 60 days from the application opening; and,
20. Require clarification at any time during the application process and /or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an applicant's proposal and/or to determine an applicant's compliance with the requirements of this RFA.
21. Award grants based on geographic or regional considerations to serve the best interests of the State.
22. Terminate, renew, amend or renegotiate contracts with recipients at the discretion of DHSES.
23. Periodically monitor the applicant's performance in all areas mentioned above, in addition to the activities in the contract.

24. 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.
25. Not fund any application that fails to submit a clear and concise work plan and/or budget.
26. Consider all applications and documentation submitted as State agency records subject to the New York State Freedom of Information Law (Public Officers Law, Article 6). Any portion of the application that an applicant believes constitutes proprietary or critical infrastructure information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the application.
27. 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.
28. 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.
29. DHSES reserves the sole discretion to increase or decrease the total funding available for this program at any time, resulting in more or fewer applications funded under this RFA.

DHSES may exercise the foregoing rights at any time without notice and without liability to any responding applicant or any other party for its expenses incurred in preparation of responses hereto or otherwise. All costs associated with responding to this RFP will be at the sole cost and expense of the Applicant.

#### **D. Terms 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 the State Comptroller. Any resulting contract for \$50,000 and under from this RFA will be effective upon signature of both parties.

#### **E. Payment and Reporting Requirements of Grant Recipients**

##### **Standard Cost Reimbursement Contract**

Each successful applicant must enter into a standard cost reimbursement contract with DHSES. Such contract will include this RFA, the successful applicant's proposal, any attachments or exhibits, the standard clauses required by the NYS Attorney General for all State contracts, and any other attachments or exhibits required by DHSES. Although the contract format may vary, the contract will include standard terms, conditions, clauses, information, 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 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/forms-egrants.cfm>. Payments will be made subject to proper documentation and compliance with reimbursement procedures and all other contractual requirements.

### **Procurements**

Applicants must follow and comply with all procurement procedures under General Municipal Law 5-A and/or any other state regulations applicable to these funds, and will be subject to monitoring by DHSES to ensure compliance.

### **Contracting with Small and Minority Firms, Women's Business Enterprises**

Pursuant to New York State Executive Law Article 15-A, DHSES recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority and women-owned business enterprises (MWBE) and the employment of minority group members and women in the performance of DHSES contracts. Minority and women-owned business enterprises can be readily identified on the directory of certified businesses at: <https://ny.newnycontracts.com/>.

For purposes of this solicitation, applicants and subcontractors are hereby notified that 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.

Further, pursuant to Article 15 of the Executive Law (the “Human Rights Law”), all other State and Federal statutory and constitutional non-discrimination provisions, the Applicant and subcontractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

### **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, Grant recipients are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the contract. Such partnering may be as vendors, contractors, subcontractors, suppliers, protégés, or other supporting roles. SDVOBs can be readily identified on the directory of certified businesses at <https://online.ogs.ny.gov/SDVOB/search>.

Applicants 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 applicable laws 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 recipient’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 awardees 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 subrecipients are hereby notified the State of New York has set an overall goal of 6% for SDVOB participation or more.

Grant recipients will report on actual participation by each SDVOB during the term of the contract to DHSES per the policies and procedures set by DHSES. Applicants are reminded that they must continue to utilize small, minority, and women-owned businesses consistent with current State law. A business enterprise can be either a MWBE or a SDVOB for the purposes of achieving the set goals of MWBE and SDVOB participation, but not both.

### **Sexual Harassment Prevention**

Applicants must submit a certification with their bid stating that Applicant has a policy addressing sexual harassment prevention and that applicant provides sexual harassment training to all its employees on an annual basis that meets the Department of Labor's model policy and training standards. Bids that do not contain this certification will not be considered for awards; provided, however, that if Applicant cannot make the certification, the Applicant may provide a statement with its bids detailing the reasons why the certification cannot be made.

### **Worker's Compensation and Disability Benefits Insurance Coverage**

Applicants must provide evidence of appropriate workers' compensation and disability insurance coverage, or proof of a legal exemption, prior to being awarded a contract. Failure to do so will result in the rejection of the application.

**Iran Divestment Act:** The Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, added section 165-a to the State Finance Law effective April 12, 2012. The Act is available at: <https://www.ogs.ny.gov/about/regs/docs/ida2012.pdf>.

The Act imposes limitations on "persons" that are determined to be engaged in investment activities in the Iranian energy sector, as defined in the Act. Under the Act, the Commissioner of the Office of General Services (OGS) is required to develop and maintain a list of "persons" who are engaged in "investment activities in Iran." Once an entity appears on the prohibited entities list, it will be considered a non-responsive bidder/offeree and prohibited from entering into contracts with the State or local governments. This list is available at: <https://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf>.

By submitting a response to this RFA or by assuming the responsibility of a contract awarded hereunder, the applicant (or any assignee) certifies that it will not utilize on such contract any entity that is identified on the prohibited entities list.

During the term of the contract, should DHSES receive information that a person is in violation of the above-referenced certification, DHSES will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, DHSES shall take such action as may be appropriate including, but not limited to, imposing



sanctions, seeking compliance, recovering damages, or declaring the contractor in default.

DHSES reserves the right to reject any bid or request for assignment for an entity that appears on the prohibited entities list prior to the award of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the prohibited entities list after contract award.

### **Vendor Responsibility**

State Finance Law §163(9)(f) requires a State Agency to make a determination that an Applicant is responsible prior to awarding that Applicant a State contract which may be based on numerous factors, including, but not limited to the Applicants: (1) financial and organizational capacity; (2) legal authority to do business in this State; (3) integrity of the owners, officers, principals, members, and contract managers; and (4) past performance of the Applicant on prior government contracts. Thereafter, 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. DHSES requires that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System, see the VendRep System Instructions available at: [http://www.osc.state.ny.us/vendrep/info\\_vrsystem.htm](http://www.osc.state.ny.us/vendrep/info_vrsystem.htm) or go directly to the VendRep system online at <https://portal.osc.state.ny.us>. Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the Office of the State Comptroller's Help Desk at 866-370-4672 or 518-408-4672 or by email at [ITServiceDesk@osc.state.ny.us](mailto:ITServiceDesk@osc.state.ny.us). Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website [http://www.osc.state.ny.us/vendrep/forms\\_vendor.htm](http://www.osc.state.ny.us/vendrep/forms_vendor.htm) or may contact the Office of the State Comptroller's Help Desk for a copy of the paper form. Applicants will also be required to complete and submit a Vendor Responsibility Questionnaire prior to contracting.

#### **1) 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.

## **2) 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. Sub-recipients shall at all times during the Contract term remain responsible. The Sub-recipient 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.

## **Satisfactory Progress**

Satisfactory progress toward implementation includes, but is not limited to: executing contracts and submitting payment requests in a timely fashion; retaining consultants; or 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.

## **F. General Specifications**

By submitting the application, the Applicant attests that:

- 1) Applicant's signatory contact person 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 State policies and regulations or be subject to termination; and
- 4) Any not-for-profit recipients or subrecipients 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>).

- 5) If your organization is not currently doing business with NYS, you will need to submit a Substitute W-9 form to obtain a NYS Vendor ID. The form is available on the Office of the State Comptroller website at: [http://www.osc.state.ny.us/vendor\\_management/forms.htm](http://www.osc.state.ny.us/vendor_management/forms.htm).
- 6) Contract Changes - Contracts with Recipients/Contractors may be executed, terminated, renewed, increased, reduced, extended, amended, or renegotiated at the discretion of the Commissioner of DHSES, in light of a Recipient's/Contractor's performance, changes in project conditions, or otherwise.
- 7) Records – Recipients/Contractors must keep books, ledgers, receipts, work records, consultant agreements and inventory records pertinent to the project; and in a manner consistent with DHSES contractual provisions and mandated guidelines.
- 8) Liability - Nothing in the contract between DHSES and the Sub-recipients shall impose liability on the State of New York or DHSES for injury incurred during the performance of approved activities or caused by use of equipment purchased with grant funds.
- 9) Reports - A provider agency shall submit to the DHSES reports in a format and time schedule specified in the grant contract, which shall include a description of the program efforts undertaken during the report period and the current status of the project.
- 10) Tax Law Section 5-a Certification – In accordance with section 5–a of the Tax Law, sub-recipients will be required, prior to the approval of any contract awarded as a result of this RFA, to certify that it and its affiliates, subcontractors, and subcontractors' affiliates have registered with the New York State Tax Department for the purpose of collection and remittance of sales and use taxes. In order to trigger this certification requirement, a Sub-recipient or its affiliates, subcontractor, or subcontractors' affiliates must have made more than \$300,000 in sales of tangible personal property or taxable services to location within New York State and the contract must be valued in excess of \$15,000. Certification will take the form of a completed Tax Form ST-220 (1/05).
- 11) Standard Contract Provisions - Grant contracts executed as a result of this RFA process will be subject to the standard clauses for New York State Contracts as referenced herein and as located at: <https://ogs.ny.gov/procurement/appendix>
- 12) Compliance with Procurement Requirements - The applicant shall certify to DHSES that all applicable statutory and contractual procurement procedures were followed and complied with for all procurements.

## **G. 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 recipients or sub-recipients; and (2) the status of any corresponding recipients or sub-recipients 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.
7. Pursuant to Section 163(9)(c) of the State Finance Law, any unsuccessful Bidder may request a debriefing regarding the reasons that the Bid submitted by the Bidder was not selected for award. Requests for a debriefing must be made with 15 calendar days of notification by DHSES that the Bid submitted by the Bidder was not selected for award. An unsuccessful Bidder's written request for a debriefing shall be submitted to DHSES Director of Grants Program Administration. The debriefing shall be scheduled with 10 business days of receipt of the written request by DHSES or as soon as practicable under the circumstances.

## **X. Questions**

Questions regarding the 2020 SICG-Formula Program should be directed to the following email address: [Grant.Info@dhSES.ny.gov](mailto: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.