

Request for Proposals (RFP)
Emerging and Transitional Worker Training

Bid Number: Q-37

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New York State Department of Labor
Division of Employment and Workforce Solutions
State Office Building Campus - Building 12 - Room 450
Albany, New York 12240

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I. INTRODUCTION

The New York State Department of Labor (Department), as the State's primary advocate for job creation and economic growth through its workforce development system, announces this competitive solicitation for projects targeted at training emerging and transitional workers, per eligibility criteria defined in this solicitation.

Funding for this solicitation is through the federal Workforce Investment Act (WIA) including the American Recovery and Reinvestment Act of 2009 (ARRA). The Governor and the New York State Workforce Investment Board have allotted up to \$10 million for this training initiative. The \$10 million set-aside is being made available to procure as many proposals as possible during the current solicitation period, which ends on July 8, 2009. It is anticipated that contract awards may range anywhere from \$50,000 up to \$500,000. Awards under \$50,000 will be considered if applicants can make a compelling case in support of their proposed project. Larger awards may be considered depending on the quality and number of proposals received.

The full \$10 million will not be awarded during the current solicitation period if the total funding requested by proposals which satisfy the quality criteria for an award is less than \$10 million. If the full \$10 million is not awarded, the Department may reissue the Emerging and Transitional Worker Training RFP for the remaining funds during the coming federal WIA Program Year (July 1, 2009 to June 30, 2010). Interested parties will be notified through the Department's website (<http://www.labor.state.ny.us>), and the New York State Contract Reporter (<http://www.nyscr.org/Public/Index.aspx>), if a decision is made to reissue this RFP during the next federal WIA Program Year.

Contracts awarded under this initiative will be for a period of up to one year, to be negotiated by the Department with each individual awardee.

Bidders are advised that all awards are subject to the availability of funding and possible reductions in funding due to budgetary constraints.

This solicitation is intended to provide emerging and transitional workers with the necessary skills and competencies to successfully obtain employment and advance their careers through such priority services, but not limited to, career planning, work readiness training, High School Diploma or Equivalent preparation, basic occupational skills training. Other program attributes deemed a priority under this solicitation include, but are not limited to:

- ♦ Green Component – Proposed project includes training elements that lead to trainees being more environmentally friendly, conscious, and/or proposed project involves training programs in the sectors named in the RFP related to Renewable Energy, Energy Efficiency, alternative fuels, etc.
- ♦ Collaboration – Must be meaningful and engaging, meeting service gaps to trainees—not a casual relationship just evidenced by a letter of support.
- ♦ Community College – Partnering with a community college, or other institution of higher education, to provide or facilitate some aspect of training being offered to trainees.

- ♦ Leveraged Resources – Although not required it is encouraged that proposals include a cash and/or in-kind match intended to enhance the level and quality of program services, including wrap-around services, being offered to trainees.
- ♦ Environmental Justice Zones– Incorporation of efforts in the proposed project focused on improving the environment in communities, specifically low-income or low-income minority communities, and addressing disproportionate adverse environmental impacts that may exist in those communities. For more information on Environmental Justice Zones, see the following link: <http://www.dec.ny.gov/public/333.html>

All of the priorities of this solicitation are outlined in ***Attachment 1 – Emerging and Transitional Worker Training Priorities***, along with the relative weight of the priority.

The Department will fund proposals that provide the best value, taking into consideration a combination of factors including qualifications, experience, program design and cost. Proposals which advance past the initial screening priorities will be ranked according to their Technical Evaluation Score, and awards will be made to the highest ranking proposals. The evaluation methodology is discussed in section “VII Evaluation Process and Method of Selection” of this solicitation notice.

All interested parties who operate a model program, as well as originators with ideas for a demonstration project that incorporates best practices/priorities reflected in this solicitation, are encouraged to apply for funding consideration. Respondents that can provide third party documentation, to corroborate that their program design has been evaluated and validated as a model program or a design which incorporates best practices, should do so. Such information will be assessed and scored as part of the technical merit review of a proposal.

II. PROGRAM AND ELIGIBILITY REQUIREMENTS

1. Program Management

a. Applicant Eligibility Requirements

For-profit or not-for-profit organizations that are duly incorporated and eligible to do business in New York State are eligible to apply. A WIA Grant Recipient may apply on behalf of a Local Workforce Investment Board that is not incorporated.

b. Match

Match is not required for funding eligibility; however, any leveraged resources will be scored in the technical review for the amount and quality of leveraged funds.

c. Subcontracted Services

Awardees may subcontract all or part of the services being solicited pursuant to this RFP. All subcontracts between the awardee and any subcontractor must be in writing and must specifically incorporate a clause which requires that notwithstanding any conflicting terms in the subcontract agreement the subcontractor agrees to comply with the terms and conditions contained in this RFP, including but not limited to ***Attachment 2 -New York State Department of Labor, Appendix C “General Terms and Conditions.”***

All proposed subcontracted services need to be competitively bid, with selection based on a best value basis; and procured in conformity with the policies of federal One–Stop Comprehensive Financial Management Technical Assistance Guide (www.doleta.gov/sga/pdf/FinalTAG_August_02.pdf) to comply with the competitive requirements of WIA. Any proposed projects involving subcontracting out for additional services will require that subcontractors complete line item budget forms similar to the ones used by the lead applicant: to show how subcontract costs were derived and for ease of subsequent reporting of subcontractor costs.

Applicants are advised that proposed subcontracts may not be fully executed, and associated costs may not be incurred or paid, until the subcontract has been fully reviewed and approved by NYSDOL, and the contract has been approved by both the Office of the New York State Attorney General and the New York State Office of the State Comptroller.

d. Planned Program Outcomes

Relative to planned enrollments, the proposal will need to indicate the number of individuals anticipated to:

- ♦ Earn a National Work Readiness Credential;
- ♦ Earn an industry-wide recognized occupational certificate.
- ♦ Earn a High School Diploma or equivalent (e.g., GED).
- ♦ Pursue post-secondary training at an institution of higher education or a trade school for more advanced training upon completion of the program.
- ♦ Be placed in unsubsidized employment including apprenticeship.

e. Payment

Once a contract has been developed and formally executed, funds will be released to the awardee on a cost reimbursement basis—with the exception noted below for not-for-profit organizations which are eligible for an initial cash advance upon contract execution.

Payments will be requested on forms prescribed by the Department. For payments to occur certain records must be kept and specific documents submitted. See section “H. General Information for Successful Applicant Organizations” for more specific information regarding reporting requirements. Guidelines and reimbursement forms will be provided to grantees upon contract execution.

f. Cash Advances

Only not-for-profit organizations will be eligible for a cash advance of up to 25% upon contract execution at the Department’s sole discretion and subject to the availability of funds appropriated and available for contracts entered into pursuant to this RFP. [For Advance requirements, see *Attachment 2 – New York State Department of Labor, Appendix C “General Terms and Conditions”, Section D. First Payment (1. Advance Payment)*.] Additional funds will be released to the awardee on a cost reimbursement basis.

Under existing rules issued by the Office of the State Comptroller, for-profit organizations are not eligible for cash advances. All payments to for-profit organizations will be made solely on a cost reimbursement basis.

g. Reporting

Awardees under this solicitation will be required to track and report participant enrollments, terminations and completions through the Department's online One Stop Operating System (OSOS). Training will be provided to awardees not familiar with how to access and use OSOS, and additional guidance will be provided to those already using OSOS.

Projects funded under this initiative are subject to WIA Adult Common Performance Measures reporting on a Statewide funded basis i.e., Entered Employment, Retention and Average Earnings. Awardees not familiar with WIA Adult Common Performance Measures reporting requirements will undergo training after being awarded a grant under this initiative.

In addition to WIA Adult Common Performance Measures reporting, awardees need to be prepared to capture and report for Department purposes the number of enrollments and terminations to date during a given reporting cycle, broken down by types of program outcomes (i.e., earned a National Work Readiness credential, industry-wide recognized occupational credential, high school diploma or equivalent (GED), pursuing post secondary training at an institution of higher education, trade school, or placed in unsubsidized employment, entered an apprenticeship training program).

Awardees will also be subject to additional informational and reporting requirements to assist the Department in fulfilling new federal reporting requirements mandated by the ARRA. The draft ARRA reporting requirements, which have not yet been finalized by the federal government, are outlined in the ***Attachment 3 – Additional Contracting Requirements***.

h. Monitoring and Expenditures

There is a strong interest at both the federal and state level to ensure the funds awarded under this initiative are spent in a timely and transparent manner. Therefore, all projects selected for funding under this initiative will be closely monitored and reviewed by NYSDOL to ensure the awarded funds are being spent as proposed. Projects determined to be under performing, either financially or programmatically, may be subject to early termination of funding.

i. General Requirements

All proposals and accompanying documentation will become the property of the State of New York and will not be returned. The content of each awardee's proposal will be held in strict confidence during the proposal evaluation process, and no details of the proposal will be discussed outside of the evaluation process. The successful awardee's proposal and portions of the RFP deemed applicable by the Department will be made part of the contract. Therefore, an official authorized to commit the applicant to a contract must sign the proposal application.

j. Buy American Requirements

Interested parties should be aware of the requirements of WIA, Section 505 which provides that WIA funds may not be expended by an awardee unless the awardee agrees that in expending the funds the awardee will comply with the Buy American Act (41 U.S.C. 10a et seq.). It is the intent of Congress that, to the greatest extent practicable, all equipment and products purchased with WIA funds should be American made. See WIA, Section 505 – Buy American Requirements set forth as ***Attachment 4***.

k. American Recovery and Reinvestment Act Requirements

All funds awarded pursuant to this solicitation must be expended in compliance with the American Recovery and Reinvestment Act of 2009 (ARRA). Applicable requirements of the ARRA regarding use of funds made available pursuant to the ARRA include but may not be limited to the following:

- ♦ None of the funds appropriated or otherwise made available under ARRA may be used to support any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool (SEC. 1604).
- ♦ All funds appropriated from the ARRA are subject to Use of American Iron, Steel, and Manufactured Goods requirements. None of the funds appropriated or otherwise made available under ARRA may be used for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States (Sec. 1605).
- ♦ All laborers and mechanics employed by contractors and subcontractors on projects funded in whole or in part with ARRA monies shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (SEC. 1606).

2. Participant Services

a. Participant Eligibility Requirements

Individuals eligible to receive services under this solicitation are low-income unemployed individuals 18 years of age or older as defined under the Workforce Investment Act of 1998 (See *Attachment 5 -- Definitions of Key Terms* used in this solicitation).

Important – ARRA guidelines provide that among the qualifying low-income individuals, such individuals that are also recipients of public assistance and veterans and eligible spouses of veterans be given preference in the selection process for receipt of services.

Veterans Preference – Additionally, when the pool of eligible candidates includes veterans and eligible spouses of veterans, the guidelines require that veterans and their spouses be given the highest priority in the selection process.

b. Intake Services

All projects must have an intake process in place to determine participant eligibility for services funded under this initiative. Individuals selected for project participation must also undergo an assessment to determine their training needs, career goals and interests; and, their supportive services needs so that the training can be completed successfully.

c. Training Services

Training services available under this solicitation may include: career planning; work readiness; GED; occupational/post secondary entry level training; and, adult education and literacy activities provided in combination with the training activities detailed above.

Any projects which plan to offer career planning must incorporate the use of CareerZone and/or JobZone services as part of any strategy to benchmark foundational skills and tracking of those

skills. Additional information regarding CareerZone and JobZone can be found at: <http://www.nycareerzone.org/>

Any projects which plan to offer work readiness training must incorporate the National Work Readiness Credential (NWRC). Additional information regarding the NWRC can be found at: <http://www.workreadiness.com/>.

For those projects that will offer some type of credentialing other than the National Work Readiness Credential, the Department will consider such credentials as a positive outcome if it can be demonstrated by the applicant that they rise to the level of being a portable industry-wide recognized credential.

Type of training can include, but is not limited to, the use of; in-house instructors; vendor training; or training consultants. Training can be delivered through traditional classroom instruction or web delivered (long distance learning). Traditional class room training can be computer assisted where appropriate.

d. Wrap-around Services

All proposed projects must ensure the provision of wrap-around services to its participants. Wrap-around services may be provided by a third-party through a referral (local One-Stop Center, etc.), or they may be provided directly by the applicant using grant funds. Wrap-around services include: assessment, supportive services, placement assistance and follow-up. For purposes of this solicitation the term “supportive services” means such participant expenses as transportation, child care, dependent care, housing, that along with needs-related payments are necessary to enable an individual to participate in activities authorized under this initiative.

Proposals which provide for wrap-around service through a third-party referral may have a cost scoring advantage over proposals using grant dollars for these services (See section “VII Evaluation Process and Method of Selection” for additional information).

III. COMPLETE PROPOSAL REQUIREMENTS

In order for a proposal to be considered complete under this solicitation: the applicant must meet the eligibility requirements outlined in Section II.; and the proposal application must contain all the required documents listed below, unless otherwise provided, and must do so in the order listed.

- i. Cover letter on organization letterhead signed by the applicant organization submitting the proposal. [This is a required form package.]
- ii. Proposal Checklist (**Attachment 6**) – This should prove helpful to RFP respondents as a tool to double-check proposal package includes all required forms. [This is a required form package.]
- iii. Proposal Cover Sheet (**Attachment 7**) [This is a required form package and it must have an original signature signed by an authorized official.]
- iv. Application for Contract (**Attachment 8**) [This is a required form package and it must have an original signature signed by an authorized official.]
- v. Attestation Page (**Attachment 9**) [This is a required form package and it must have an original signature signed by an authorized official.]

- vi. Responsibility Questionnaire (*Attachment 10*) [This is a required package form and it must have an original signature signed by an authorized official.]
- vii. Initial Screening Priority Form (*Attachment 11*) [This is a required form package.]
- viii. Program Narrative (*Attachment 12*) [This is a required form package.]
- ix. Budget Proposal (*Attachment 13*) [This is a required form package.]
- x. Appendix D – State and Federal Certifications (*Attachment 14*) [This is a required form package and it must have an original signature signed by an authorized official.]

In addition, the following documents (available by link on the last page of this RFP for information purposes) are not required as part of the proposal submission package. However, these documents will constitute an integral and binding part of the Terms and Conditions for any contracts resulting from this RFP. Respondents should review and familiarize themselves with these documents before submitting a proposal in response to this RFP.

- ♦ Appendix A – Standard Clauses for all New York State Contracts (*Attachment 15*)
- ♦ Appendix C – New York State Department of Labor’s General Terms and Conditions (*Attachment 2*)
- ♦ Buy American Requirements (*Attachment 4*)
- ♦ Additional Contracting Requirements (*Attachment 3*) [This is not a required form package upon application, however will be required upon award to complete the contract.]

IV. INITIAL SCREENING PRIORITIES

Attachment 1 – Initial Screening Priorities reveals the relative weights applied to specific program characteristics deemed priorities by the Department. *Attachment 11* provides the Initial Screening Priorities Form which applicants must complete and include with their proposal application. The completed Initial Screening Priorities Form will be scored in accordance with the weighting presented in *Attachment 1* to determine the extent to which the proposal aligns with Department priorities.

V. PROGRAM NARRATIVE – FORMAT AND CONTENT

This solicitation is seeking model and demonstration projects, intended to yield a range of project ideas. In order to standardize the review process across the anticipated broad scope of proposals, please follow the program narrative outline presented in *Attachment 12 – Program Narrative Template: Emerging and Transitional Worker Training*. All text should be double-spaced using a 12-point font. All pages should be single-sided and numbered. The maximum number of program narrative pages is 15 (exclusive of attachments, checklist, forms, budget, etc.).

VI. BUDGET NARRATIVE – FORMAT AND CONTENT

Please complete the budget forms found in *Attachment 13 – Budget Proposal*. In assigning costs, please be mindful of the following applicable guidelines regarding “Direct Costs” “Indirect Costs” and “Restriction on the Use of Funds.”

1. Direct Costs

- a. *Staff Salaries*: List the annual salaries of the staff that will be working on the project and the corresponding percentages of their time spent. This includes the cost of training instructor time if training is being provided by in-house staff. Describe briefly in the Budget Narrative the roles of the staff titles listed. Provide an explanation of any anticipated changes or exceptions in staffing patterns and/or annual salary costs during the contract period. The salaries of the staff must be directly related to the provision of services as outlined in the applicant's program narrative and in accordance with provisions of this RFP. Expenses under this category may need to be allocated out in a manner consistent with the federal circulars referenced in ***Attachment 2 – New York State Department of Labor, Appendix C “General Terms and Conditions.”***
- b. *Fringe Benefits*: Briefly explain the calculation of fringe benefits. Fringe benefits include social security, workers' compensation, unemployment insurance, disability insurance and any insurance programs the applicant provides its workers. If budgeted fringe benefits represent an exception to standard policy, please explain the basis. Expenses under this category may need to be allocated out in a manner consistent with the federal circulars referenced in ***Attachment 2 – New York State Department of Labor, Appendix C “General Terms and Conditions.”***
- c. *Contracted Services - Training*: This category includes institutions, individuals or organizations external to the contractor which have entered into an agreement with the contractor for the design and delivery of new curriculum training, and whose services are to be funded under the contract. The subcontractors must have demonstrable experience and success in the areas they will be serving. All such agreements are to be by bona fide written contract and a copy of each must be attached. If details are not known, include a brief narrative of each contracted service to be provided, indicating the organization/individual selected, anticipated outcomes and projected budget. See Section II (1)(c) “Subcontracted Services” above for additional requirements regarding subcontracting. Expenses under this category may need to be allocated out in a manner consistent with the federal circulars referenced in ***Attachment 2 – New York State Department of Labor, Appendix C “General Terms and Conditions.”***
- d. *Contracted Services - Other*: This category includes institutions, individuals or organizations external to the contractor which have entered into an agreement with the contractor to provide any services outlined in or associated with the contract other than training, and whose services are to be funded under the contract. The subcontractors must have demonstrable experience and success in the areas they will be serving. All such agreements are to be by bona fide written contract and a copy of each must be attached. If details are not known, include a brief narrative of each contracted service to be provided, indicating the organization/individual selected, anticipated outcomes and projected budget. See “Subcontracted Services” section above for additional requirements regarding subcontracting. Expenses under this category may need to be allocated out in a manner consistent with the federal circulars referenced in ***Attachment 2 – New York State Department of Labor, Appendix C “General Terms and Conditions.”***
- e. *Individualized Training Expense*: If a participant in the program is placed into in a pre-existing training to be purchased on a per slot basis, the cost of that training should be recorded in this category. Individualized Training Expenses will be subject to the

conditions of ***Attachment 3 – Additional Contracting Requirements***, including pre-approval by the Department if any training exceeds the \$3,000 per participant limit.

- f. ***Staff Travel Expenses***: Staff travel costs should be budgeted in line with the lesser of standard agency travel policy or NYS Comptroller guidelines. Travel costs are reimbursed at state rates. Only travel costs for personnel listed under Staff Salaries are acceptable. Consultant or subcontractor’s travel expenses should be included in Contracted Services. Any exceptional staff travel costs must be justified in the Budget Narrative. No out of state travel costs are allowed unless specifically detailed and approved. All non-local destinations for travel must have prior NYSDOL approval. Expenses under this category may need to be allocated out in a manner consistent with the federal circulars referenced in ***Attachment 2 – New York State Department of Labor, Appendix C “General Terms and Conditions.”***
- g. ***Equipment***: Not an allowable cost under this RFP.
- h. ***Space/Utilities***: This category is comprised of the proportionate share of property and utilities costs associated with operating this program. A detailed explanation of any extraordinary costs is also required. Expenses under this category may need to be allocated out in a manner consistent with the federal circulars referenced in ***Attachment 2 – New York State Department of Labor, Appendix C “General Terms and Conditions.”***
- i. ***Other Operating Expenses***: List other items not included under any other category, such as supplies, postage, printing/photocopying, telephones, indirect costs for Not-For-Profit organizations only, etc. Any type of expense outside of the categories listed above and any exceptional dollar amounts must be explained in the Budget Narrative. Expenses under this category may need to be allocated out in a manner consistent with the federal circulars referenced in ***Attachment 2 – New York State Department of Labor, Appendix C “General Terms and Conditions.”***
- j. ***Misc Participant Expenses / Supportive Services***: Expenses including child and depended care, housing, and participant transportation that are directly attributable to participants that are funded by this contract and not provided by a third party (local One Stop Center) on a referral basis.
- k. ***Participant Payments / Needs Related Payments***: Any needs related payments funded by this contract paid directly to the participants. This should not include payments provided by a third party (local One Stop Center) on a referral basis.
- l. ***On-The-Job Training (OJT)***: OJT is training by an employer that is provided to a paid employee while engaged in productive work, only in a job based work setting that: provides knowledge or skills essential to the full and adequate performance of the job; provides reimbursement to the employer of up to 50% of the wage rate of the participant for the extraordinary costs of providing the training and additional supervision related to the training; and is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, and the prior work experience of the participant, and the training plan for the participant, as appropriate. OJT developed under this RFP may ONLY be for use in employment as part of a registered apprenticeship program and may not exceed 6 months. OJT Expenses will be subject to the conditions of ***Attachment 3 – Additional Contracting Requirements*** (refer to WIA Regulations 663.700, 663.705 and 663.710 for further information on the use of OJT)

- m. *Profit (For-Profit Organizations Only)*: Profit can be no more than 10% of total contract costs, and reasonable in relation to the number of participants being served. Profit will be reimbursed on a quarterly basis, provided the awarded contractors are in compliance with reporting requirements described in section “X General Information for Successful Applicant Organizations.”

2. Indirect Costs

Funds awarded under this solicitation to Not-For-Profit organizations only may be allocated to Indirect Costs, given that the allocation does not exceed 5% of the total amount of the award.

3. Restriction on the Use of Funds

Funds awarded under this solicitation may not be used to pay for the following:

- a. Equipment costs;
- b. Capital expenditures for improvement or acquisition of facilities;
- c. Entertainment costs, including social activities or cost of alcoholic beverages;
- d. Software;
- e. Interest costs incurred by provider agencies;
- f. Cost of organized fundraising;
- g. Medical costs;
- h. Costs for attendance at conferences or meetings of professional organizations;
- i. Advertising costs;
- j. Lodging or meal costs;
- k. On-The-Job Training that is NOT for use in employment as part of a registered apprenticeship program, as defined in WIA Regulations 663.700-710
- l. Costs for preparation of continuation agreements and other proposal developments;
- m. Costs that do not comply with the intent of this RFP; and
- n. Any other costs deemed inappropriate by the NYSDOL.

VII. EVALUATION PROCESS AND METHOD OF SELECTION

The Department will fund proposals that provide the best value, taking into consideration a combination of factors including qualifications, experience, program design and cost. The proposal evaluation process is two tiered.

- 1. Initial Screening –
 - a. To determine if all requirements have been satisfied i.e., applicant eligibility, completion and submission of required forms and documents, etc.
 - b. To determine how well a proposed project aligns with Department priorities based on a specific threshold.

2. Technical Evaluation – To determine the quality of the proposal based on specific thresholds for both program merit and cost evaluation score.

Each of these evaluation components is described in greater detail below.

1. Initial Screening

The initial screening evaluation will first ensure that the proposal meets all eligibility requirements and contains all required documents and original signatures, as outlined in **Attachment 6 – Proposal Checklist**. Proposals which meet the eligibility requirements and contain all required documents and original signatures will advance to priority screening. NYSDOL will promptly notify, in writing, the originators of proposals which do not meet these requirements.

The priority screening determines the extent to which the proposal aligns with Department priorities. **Attachment 1 – Emerging and Transitional Worker Training Priorities** presents the relative weights applied to specific program characteristics deemed a priority by NYSDOL.

Attachment 11 provides the Initial Screening Priorities Form which applicants are to complete and include with their proposal application. The completed Initial Screening Priorities Form will be scored in accordance with the weighting presented in **Attachment 1**.

An initial screening score of 50 or greater is the threshold for a proposal to be considered for an award under this solicitation. Proposals which achieve this threshold will advance to the technical evaluation. NYSDOL will promptly notify, in writing, the originators of proposals which do not achieve the initial screening threshold of not being considered for an award under this solicitation.

2. Technical Evaluation

The technical evaluation assesses the merits of a proposal by assigning a point score based on: a program merit evaluation; and a cost evaluation. The technical evaluation has a maximum point score of 100, as follows.

- ♦ Program merit evaluation score – Up to 80 points (80% of the technical evaluation) to assess the experience and capacity to deliver the proposed services evidenced by the program narrative (**Attachment 12**).
 1. Executive Summary (Up to 3 points)
 2. Organizational Experience and Qualifications (Up to 5 points)
 3. Priorities (Up to 57 points)
 - a. Participants
 - b. Target groups
 - c. Program elements
 - d. Sectors
 - e. Other Priorities
 - i. Green Component

- ii. Collaboration
 - iii. Community College
 - iv. Leveraging Resources
 - v. Environmental Justice
4. Wrap Around Services (Up to 10 points)
 5. Outcomes (Up to 5 points)
- ♦ Cost evaluation score – Up to 20 points (20% of the technical evaluation) to assess the proposed cost per participant served, calculated by dividing the total number of anticipated enrollments to be served by the total requested funding detailed in the Budget Proposals (*Attachment 13 – Budget Proposal*).

The proposed cost per participant served will be ranked from the highest cost per participant (bottom of the rung) to the lowest cost per participant (top of the rung), in comparison to other proposals which have advanced to the technical evaluation stage. Proposals falling into the top 25% range of the rung (those with the lowest costs per participant) will be awarded 20 points; and, so on, based on the following schedule.

- 20 Points – Proposed Cost per Participant is in the lowest 25% of all proposals which have undergone a technical review.
- 15 Points – Proposed Cost per Participant is in the ranged between the top 26% to 50% of all proposals which have undergone a technical review.
- 10 Points – Proposed Cost per Participant is in the ranged between the top 51% to 75% range of all proposals which have undergone a technical review.
- 5 Points – Proposed Cost per Participant is in the highest 25% of all proposals which have undergone a technical review.

The technical evaluation will be conducted by separate Program Review and Cost Review Committees established by the Director of the Division of Employment and Workforce Solutions. Members of each committee will individually evaluate the respective program and cost portion of the proposals, and will not share information at any time during their review.

A technical evaluation score of 70 or greater is the threshold for a proposal to be considered for an award under this solicitation. NYSDOL will promptly notify, in writing, the originators of proposals which do not achieve the technical evaluation threshold that they will not be considered for an award under this solicitation.

3. Disqualifications

Failure to meet expected requirements of this solicitation will result in automatic disqualification of the proposal. NYSDOL will promptly notify, in writing, the originators of such proposals that they will not be considered for an award under this solicitation.

4. Method of Selection

Proposals will be ranked according to the Technical Evaluation Score, and awards will be made to the highest ranking proposals. The Department intends to award multiple contracts. In the case of tied scores, preference will be given to proposals with the highest program merit

evaluation score. If the program merit evaluation scores are also tied, the award will be decided by the Director of the Division of Employment and Workforce Solutions.

Successful applicant organizations will be advised by the Department through a letter of award. The Department and the successful applicant organizations will then finalize contracts, which will define all the responsibilities and deliverables of the applicant organization and the rights and obligations of the Department. The contracts will incorporate conditions and provisions of this RFP and the portions of the successful applicant's proposals to which the Department agrees.

If a proposal achieves a passing score, but the costs are not reasonable to the Department, the Department reserves the right to reject the proposal.

The Department may award a contract for any or all of the parts of a proposal.

VIII. PROPOSAL SUBMISSION INSTRUCTIONS

The complete proposal should be submitted in the order listed on the Proposal Checklist (*Attachment 6*) in both hard-copy and electronic format. The entire proposal package should be preceded by a cover letter on organization letterhead signed by an authorized representative on behalf of the organization submitting the proposal. In order for a proposal to be properly submitted, the applicant should submit the proposal in:

- ♦ Hard-copy format – Five (5) originals all with original signatures.
- ♦ Electronic format – PC-compatible CD-ROM document(s) formatted in Microsoft Word. If CD-ROM is not practical, then a flash-drive may be used.

Completed proposals should be sent or hand-delivered to:

**Karen A. Coleman, Director
NYS Department of Labor
Division of Employment and Workforce Solutions
Building 12 - Room 450
State Office Building Campus
Albany, New York 12240
Attn: Emerging and Transitional Worker Training RFP**

The application must be transmitted in a sealed package with the submitter's name and address and the notation "Emerging and Transitional Worker Training RFP" clearly displayed on the exterior of the package. All submitters will receive a letter informing them of the decision on their proposal.

1. Proposal Due Date

The due date for receipt of proposals by the Department is no later than 4:00 p.m. New York State Time on July 8, 2009. Any proposals or unsolicited amendments to proposals received after the due date and time will not be considered in the review process. No faxed or e-mailed documents will be accepted. The Department accepts no responsibility for late delivery or any error in the delivery of proposals by third parties (e.g., U.S. Post Office, Federal Express, UPS, courier, etc.).

2. Questions Concerning this RFP

Interested parties may submit typed questions via electronic mail at onestop@labor.state.ny.us; fax them to 518-485-2577; or send them via U.S. mail to the address provided above. Questions regarding this RFP will be accepted until 5:00 p.m. New York State Time on June 22, 2009. All inquiries should include the following reference: Emerging and Transitional Worker Training RFP. Answers to all questions will be posted on the Workforce Development website at www.workforcenewyork.com on an ongoing basis as received. No telephone inquiries will be accepted.

3. RFP Timetable

RFP – Published in the Contract Reporter	Monday, June 8, 2009
Deadline for Questions	Monday, June 22, 2009 (2 weeks)
Questions and Answers Posted on Web Site	As Received
Proposals Due	Wednesday, July 8, 2009, 4:00 p.m. EST (1 month)
Notification of Awards	Wednesday, July 22, 2009 (2 weeks)
Tentative Project Start Date	Monday, August 17, 2009 (2.5 weeks)

IX. PROTEST PROCEDURE

It is the policy of the NYSDOL to employ the best procurement practices in support of agency operations and in accordance with applicable statute. This involves protecting the interests of taxpayers and promoting fairness in the contracting process. In order to ensure transparency in the process, NYSDOL will assure access to pertinent procurement information in the interest of protecting the integrity of the process.

1. Debriefing Procedure

In the event that an unsuccessful bidder has any question relative to the process used in a NYSDOL procurement, the vendor may request a debriefing through the NYSDOL designated contact person for the procurement in question.

- ♦ The vendor must request a debriefing within 10 days of NYSDOL's notification of the contract award. (In the event of a single/sole source or emergency contract, the notification will appear on the agency website.)
- ♦ The NYSDOL designated contact will coordinate and respond within 5 business days, with an explanation as to why the bidder was unsuccessful, in an effort to assist the bidder toward future success in competition. This information may include ranking of the vendor in technical and cost scoring.

- ◆ Upon receipt of this information, the vendor may request a meeting where concerns may be further addressed. This request should be within 5 days of the debriefing.

2. Protest Procedure

If the vendor is not satisfied with the explanations provided during the debriefing phase, then he/she may initiate a formal protest within 10 days of the debriefing.

- ◆ The protest must be in writing and directed to the procurement designated contact. It must contain specific factual information and/or legal allegations which form the basis on which the protesting party challenges the contract award.
- ◆ Once the protest is filed, NYSDOL will send a formal written response to the vendor within 5 days of receipt of the protest.

If the vendor is not satisfied with the agency determination, they may pursue further action by submitting a formal protest through the New York Office of the State Comptroller, within 10 days of the agency determination, for procurements pursuant to Section 112 of the State Finance Law and in accordance with OSC Bulletin G-232 and OSC related protest procedures.

X. GENERAL INFORMATION FOR SUCCESSFUL APPLICANT ORGANIZATIONS

1. Contracting Terms/State Payment

Awardees under this solicitation are required to submit certain forms and comply with the following information.

1. M/WBE Participation in the Contract

The Department of Labor recognizes the need to take affirmative action to ensure that Minority and Women business enterprises and minority and women employees are given the opportunity to participate in providing goods and services sought by the Department. This opportunity for full participation in our free enterprise system by traditionally, socially and economically disadvantaged persons is essential to obtain social and economic equality and improve the functioning of the State economy. Accordingly, it is the policy of the Department to foster and promote the full participation of such individuals and business firms in the Department's contracting program.

The applicant organization, by applying for this contract, pledges to fully cooperate with the State of New York in the implementation of this policy, and further to exert a good faith effort to solicit and obtain the participation of such individuals and firms as subcontractors, suppliers, and employees on this contract.

In accordance with Article 15-A of the Executive Law of the State of New York, the Department has established a goal of 6% participation by New York State Certified Minority Business Enterprises and 5% participation by New York State Women-Owned Business Enterprises (M/WBEs) as subcontractors and/or suppliers in the proposed project to be awarded through this RFP. This requirement can be met through normal purchasing of supplies, travel services and/or equipment.

The Department will assist the awardee in identifying New York State certified M/WBE firms within the awardee's geographic area. Periodic compliance reports to the

Department will be required on a quarterly schedule. Payment may be contingent upon timely submission of these reports.

For more information on the administrative requirements see *Attachment 2 – New York State Department of Labor, Appendix C, General Terms and Conditions*.

2. Cost of Proposal Preparation:

The Department will not be liable for any costs for work performed in the preparation and production of a proposal, or for any work performed prior to the formal execution of a contract. By submitting a proposal, the applicant organization agrees not to make any claims for, or have any right to, damages because of any misunderstanding or misrepresentation of the specifications, or because of any misinformation or lack of information. Proposals shall become the property of the State of New York.

3. Assurances: The applicant organization warrants that it has carefully reviewed the needs of the State as described in the RFP, reviewed its attachments and other communications related to the RFP and that it has familiarized itself with the specifications and requirements of the RFP and warrants that it can provide such services as represented in its proposal. The applicant organization agrees that it will perform all of its obligations in the resultant contract in accordance with all applicable federal, state, and local laws, regulations and policies now or hereafter in effect.

The applicant organization affirms that the terms of the RFP and the attachments do not violate any contracts or agreements to which it is a party, and that its other contractual obligations will not adversely influence its capabilities to perform under this contract.

4. Electronic Files or Data: If electronic files are to be exchanged as a part of this proposal or as a product of the contract, they must conform to agency policy and guidelines.

5. Conflict of Interest: Applicant organizations that submit a proposal for funding consideration may be requested to provide evidence that the award of the contract from this RFP will not result in a conflict of interest with regard either to other work performed by the applicant organization, or to potential conflict of interest among specific contractor staff or subcontractors.

6. Ownership of Materials: All materials developed with funding provided by the State and all proposals, work plans and budget materials become the property of New York State. All materials produced, either in whole or in part, through funding provided by New York State shall belong exclusively to the Department and to the State of New York. The Department may use any of the materials developed with project funds for any Department or other State purpose.

7. Equal Employment Opportunity: By submitting its proposal, the successful applicant organization warrants that it is an Equal Opportunity Employer and that it does not discriminate in its employment and business practices in violation of the provisions of the New York State Human Rights law or any applicable federal laws. In addition, the successful applicant organization agrees to the assurances contained in the attached Federal and State Certifications (*Attachment 14*).

8. Prompt Payment Provisions: The payment of interest on certain payments due and owed by the State may be made in accordance with the criteria established in Article XI-A of the State Finance Law.
9. Contract Award: Upon receipt of necessary State approvals an award letter will be issued by the Department to the successful applicant organization advising it of the contract award. A contract defining all deliverables and the responsibilities of the contractor and the Department will then be developed for signature by both parties and for approval and processing in accordance with State policy and practice.

NOTE: The contract does not become legally binding upon the State of New York until it is executed by both the Office of the State Attorney General and the Office of the New York State Comptroller.

10. Compliance with the requirement for workers' compensation and disability benefits insurance coverage: After receipt of a contract award letter, each successful applicant organization must provide the Department with proof of compliance with the workers' compensation and disability insurance coverage requirements as set forth in Sections 57 and 220(8) of the Workers' Compensation Law (WCL). In order to comply with the coverage provisions of WCL Section 57 businesses must either be legally exempt from obtaining workers' compensation insurance coverage; must obtain such coverage from insurance carriers; or be self-insured or participate in an authorized group self-insurance plan. All successful applicant organizations must provide one of the following forms to the Department:
 - a. WC/WB 100 -- Affidavit for New York organizations and any out of state organizations with no employees, that New York State workers' compensation and/or disability benefits insurance coverage is not required (affidavit must be notarized and stamped as received by the NYS Workers' Compensation Board (WCB)).
 - b. WC/WB 101 -- Affidavit that an out-of-state or foreign employer working in New York State does not require specific New York State workers' compensation and/or disability benefits insurance coverage (affidavit must be notarized and stamped as received by WCB).
 - c. C-105.2 -- Certificate of workers' compensation insurance (business' insurance carrier should be able to provide this form to the Department).
 - d. SI-12 -- Certificate of workers' compensation self-insurance (business contacts the WCB's self-insurance office at 518-402-0247)
 - e. GSI-105.2 -- Certificate of participation in workers' compensation group self-insurance (business' group self-insurance administrator should be able to provide this form to the Department).

To comply with the coverage provisions of Section 220(8) businesses may: be legally exempt from obtaining disability insurance coverage; obtain such coverage from insurance carriers; or be self-insured. All successful applicant organizations must provide one of the following forms to the Department.

- a. WC/WB -- 100 (noted above)
- b. WC/WB -- 101 (noted above)

- c. DB-120.1 -- Certificate of disability benefits insurance
- d. DB-820/829 -- Certificate/Cancellation of insurance (business' insurance carrier should be able to provide these forms to the Department)
- e. DB-155 -- Certificate of disability benefits self-insurance (business contacts the WCB's self-insurance office at 518-402-0247).

Contracts will not be forwarded to successful awardees until they have provided the Department with proof of compliance with workers' compensation and disability insurance coverage requirements set forth above.

11. **Publicity:** Publicity includes, but is not limited to, news conferences, news releases, advertising, brochures, reports, discussions and/or presentations at conferences or meetings. The inclusion of our materials, our agency name, or other such reference to New York State and/or The Department of Labor in any document or forum is considered publicity. News releases or any other public announcements regarding this project may not be released without prior approval from the Department.

Any publication, training announcement, meeting or training session which is funded in whole or in part through any activity supported under this Agreement may not be published without prior approval of the Department, which results (1) shall acknowledge the support of the Department and the State of New York and, if funded with federal funds, the applicable federal funding agency, and (2) shall state that the opinions, results, findings and/or interpretations of data contained therein are the responsibility of the Contractor and do not necessarily represent the opinions, interpretation or policy of the Department or the State of New York.

The above notwithstanding, scholarly or academic publications that may derive from activity under this agreement are permissible by first submitting such manuscripts to the Department 30 days before submission in order for the Department to review the manuscript for compliance with confidentiality requirements and restrictions. All derivative publications shall follow the same acknowledgements and disclaimer as described above.

All materials developed and created by Contractor for the Department under this Agreement will be owned by the Department, will be considered to be "works made for hire" as defined in the U.S. Copyright Act, and are hereby assigned to the Department. Contractor agrees to execute all papers and perform all other acts reasonably necessary to assist the other to obtain and register copyrights and to effectuate the intention of this Agreement. The foregoing notwithstanding, the Department authorizes a non-exclusive, perpetual license for the Contractor to use such materials for non-commercial, pedagogical uses.

For all other pre-existing works, the Department and the State of New York expressly reserve the right to a royalty-free, non-exclusive and irrevocable license to reproduce, publish, distribute or otherwise use, in perpetuity, any and all copyrighted or copyrightable material resulting from this Agreement or activity supported by this Agreement. All publications by the Contractor covered by this Department shall expressly acknowledge the Department's right to such license.

All of the license rights so reserved to the Department and the State of New York under this paragraph are equally reserved to the U.S. Department of Labor or the United States Department of Health and Human Services, as applicable, and subject to the provisions on copyrights contained in such federal agencies' regulations if the Agreement is federally funded.

12. Freedom of Information Law and Interested Parties' Proposals: The purpose of New York State's Freedom of Information Law (FOIL), which is contained in Public Officers Law Sections 84-90, is to promote the public's right to know the process of governmental decision making and to grant maximum public access to governmental records. Thus, a member of the public may submit a FOIL request for contracts awarded by the State or for the proposals submitted to the State in response to Requests for Proposals. After formal contract award, the proposal of the successful applicant organization and the proposals of non-successful applicant organizations are subject to disclosure under FOIL. However, pursuant to Section 87(2)(d) of the Public Officers Law, a State agency may deny access to those portions of proposals or portions of a successful applicant organization's contract which "are trade secrets or submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Please note that information which you may claim as proprietary, copyrighted or rights reserved is not necessarily protected from disclosure under FOIL.

If there is information in your proposal which you claim meets the definition set forth in Section 87(2)(d) of the Public Officers Law, you must so inform us in a letter accompanying your proposal.

13. Americans with Disabilities Act (ADA): The successful awardee shall comply with all applicable requirements of the Americans with Disabilities Act (ADA), codified at Title 42 of the United States Code, section 12101 et seq. and associated regulations, including, but not limited to, those located in 28 C.F.R. Part 36. The successful awardee shall comply with all applicable requirements of the New York State Human Rights Law, codified in the Executive Law sections 290 301 and applicable regulations implemented pursuant to that law. The successful awardee shall warrant to the Department that the successful awardee is in compliance with both the ADA and its regulations and the New York State Human Rights Law and each law's respective regulations.

Any products developed as a result of this RFP must be in a format that can be converted for use by individuals with disabilities to meet the reasonable accommodation standards established by the ADA.

14. Compliance with New York State Policy and Law: All work conducted under this contract must be in compliance with the Department's policies and procedures set forth in Appendix C, New York State Department of Labor's General Terms and Conditions (Attachment 8). In addition, the successful awardee must agree to the terms specified in the document entitled "Appendix A, Standard Clauses for all New York State Contracts," (Attachment 7).

15. Responsibility Determination. Article 11 of the New York State Finance Law requires that competitive grants be awarded to responsive and responsible organizations. In order

to fulfill this requirement, you must complete the "Vendor Responsibility Questionnaire" (Attachment 9). By signing this proposal, you hereby authorize the Department to review any records in its possession concerning your organization including, but not limited to, wage records, unemployment insurance records, public works records, labor standards records, and safety and health records. Based on the responses you provide, the Department will determine whether your organization is a responsible awardee. If you are disqualified based on a determination of non-responsibility, you will be notified in writing and may appeal the determination in writing within 10 days to the Commissioner. If you fail to identify a violation and the Department discovers the failure to disclose such violation, your contract may be terminated immediately upon written notice.

16. **Contract Modification.** The contract budget can be modified, upon mutual agreement of the parties, during any term by written amendment.
17. **Contract Cancellation.** The Department reserves the right to cancel the contract or any part thereof, at any time, upon thirty (30) days written notice. If, in the judgment of the Department, the Contractor fails to perform the work in accordance with the contract, the Department may terminate the contract immediately by written notice for cause. The Department may elect to suspend contract performance or provide a cure period prior to termination.
18. All contracts that are let using American Recovery and Reinvestment Act funds must include the rider found in ***Attachment 3- Additional Contracting Requirements***. The rider mandates that every firm that the state hires with ARRA funds is responsible for posting all related jobs through the Department of Labor. The Department of Labor's Job Exchange is a free service that allows public access.

Agencies will need to complete part two of the rider to include additional reporting requirements. Reporting requirements are required by the ARRA bill, congressional committees, and there may be additional requirements that are needed by your agency. It is essential that your agency has the ability to track every dollar that is spent and to track the progress of each project that is funded with stimulus dollars.

Lastly, each vendor needs to identify in the signed contract the sources of their funds. The rider requires that the vendor specifies the dollar amounts that are from the State General Fund, Federal Fund Dollars, ARRA Stimulus Dollars and other fund sources.

2. Reservation Clauses

The Department, in order to serve the best interests of the State, reserves the right to:

1. Postpone or cancel this RFP upon notification to all parties who have submitted proposals;
2. Amend the specifications after release of the RFP with appropriate notice to all interested parties as determined by the Department;
3. Request applicant organizations to provide supplemental information clarifying their proposal, either in writing or in formal presentation;

4. Waive or modify minor irregularities in proposals received after prior notification to the applicant organization;
5. Correct any arithmetic errors in any proposal;
6. Reject any and all proposals received in response to this RFP;
7. Contact an applicant organization's references as a check on qualifications;
8. Award a contract to other than the highest ranking proposal if the applicant organization submitting the highest ranking proposal is found non-responsible;
9. Award contracts to more than one successful applicant organization;
10. Negotiate with selected applicant organizations prior to contract award;
11. Negotiate with the next highest rated applicant organization if negotiating a contract with the selected awardee(s) cannot be accomplished within an acceptable time frame (applicant organizations agree, by signing this proposal, to waive any rights they might have against the Department arising from such negotiations);
12. Make any payment contingent upon the submission of specific deliverables; and
13. Require that all offers be held open for a period of 120 days unless otherwise expressly provided for in writing.

XI. LISTING OF ATTACHMENTS AND REQUIRED DOCUMENTS

The table below lists each attachment to this RFP and indicates documents (√) that need to be submitted with the proposal package; and which of these documents require an original signature (X).

Attachment Number	Document Title	Submit with Proposal Package	Original Signature Required
1	Initial Screening Priorities		
2	Appendix C^{1,2} – NYS Department of Labor's General Terms and Conditions		
3	Additional Contracting Requirements³		
4	Buy American Requirements		
5	Definitions of Key Terms		
6	Proposal Checklist	√	
7	Proposal Cover Sheet	√	X
8	Application for Contract	√	X
9	Attestation Page	√	X
10	Responsibility Questionnaire	√	X
11	Initial Screening Priorities Form	√	
12	Program Narrative Instructions/Template	√	
13	Budget Proposal	√	
14	Appendix D – State and Federal Certifications	√	X
15	Appendix A – Standard Clauses for all NYS Contracts		
	Proposal Cover Letter	√	X
	Letters of Support from Local Workforce Investment Agencies or other Partner Agencies		

¹ This workforce solution was funded by a grant awarded by the U.S. Department of Labor's Employment and Training Administration. The solution was created by the grantee and does not necessarily reflect the official position of the U.S. Department of Labor. The Department of Labor makes no guarantees, warranties, or assurances of any kind, express or implied, with respect to such information, including any information on linked sites and including, but not limited to, accuracy of the information or its completeness, timeliness, usefulness, adequacy, continued availability, or ownership. This solution is copyrighted by the institution that created it. Internal use by an organization and/or personal use by an individual for non-commercial purposes is permissible. All other uses require the prior authorization of the copyright owner.

² According to Federal resources regarding implementation of ARRA, the Federal Office of Budget and Management Services expects to issue in the near future standard terms and conditions to be included in contracts. Once issued, any awardees of contracts funded by the ARRA will be informed of the additional language that will be included in the contract.

³ This document is not required with the submission of an application, but is required upon award for contract completion.