

**REQUEST FOR QUALIFICATIONS**

**Sector Partnership-NEG Regional Sector Partnership Development (RSPD)**

Bid Number SP-12

Issued on May 4, 2018 by:

[with a revised issuance on May 8, 2018]

**New York State Department of Labor**  
Division of Employment and Workforce Solutions  
Harriman Office Campus  
Building 12, room 440  
Albany NY, 12240

**Submission Deadline:**

4:00 PM on May 29, 2018

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## I. Funding Opportunity Description

### A. Purpose

The New York State Department of Labor (NYSDOL) is making up to \$150,000 in funding available under this Sector Partnership National Emergency Grant (SP-NEG) Regional Sector Partnership Development (RSPD) Request for Qualifications (RFQ). Lead Local Workforce Development Boards (LWDBs) may apply for SP-NEG RSPD funds, on behalf of the LWDBs located within one of the ten designated regions represented by the New York State Regional Economic Development Councils, to be awarded by NYSDOL through a Notice of Obligational Authority (NOA) opportunity as detailed in the [award information](#) section.

These regional sector partnership development funds are intended to be flexible in meeting the sector partnership development needs identified as part of 2017-2020 Workforce Innovation and Opportunity Act (WIOA) Regional planning. The focus of 2017-2020 WIOA Regional planning is the identification of sector-based workforce strategies that lead to the creation of strong regional sector partnerships and products that work to serve regional business needs. Local workforce planning documents for New York State (NYS) can be found online at <https://labor.ny.gov/workforcenypartners/wioa/workforce-planning.shtm>.

### B. Background

Building partnerships that bring together workforce related sectors including businesses, education, community organizations, government and other entities is proven to be the most effective strategy to meet the ever-changing workforce needs of regional industries and help jobseekers attain skills that align with business demand. These sector-based workforce strategies align closely with NYS' overarching vision of a unified workforce development system that is regionally coordinated and programmatically seamless as well as oriented to primarily serve the needs of business demand.

In 2015, the United States Department of Labor's Employment and Training Administration (USDOL/ETA) awarded \$7M of SP-NEG funding to NYS to provide employment-related services specifically for dislocated workers in industries with strong labor demand. Funds distributed under this grant will be administered in a manner consistent with WIOA. NYSDOL's award is intended to increase capacity in NYS' ability to implement new or expanded local and regional sector based workforce development partnerships that will serve more dislocated workers and achieve better employment-related outcomes for this group of workers. To accomplish this goal, NYSDOL released several grant solicitations over the past three years to allow for the tailoring of services to accommodate the wide variety of sector partnerships across NYS. Other SP-NEG program solicitations currently available include:

- Work-based training (<https://labor.ny.gov/workforcenypartners/fundingopps/sp-neg-wbt-rfa.pdf>); and
- Enhanced Career Center Services to Dislocated Workers (<https://labor.ny.gov/workforcenypartners/fundingopps/sp-neg-ecsdw-noa-rfq.pdf>).

## **II. Award Information**

### **A. Funding**

NYS is making up to \$150,000 available for NOA awards under this RFQ. No single Lead LWDB can apply for more than \$150,000. Awards will be made to qualified Lead LWDBs, on behalf of a sector partnership in any of the REDC regions: Capital Region, Central New York, Finger Lakes, Long Island, Mid-Hudson, Mohawk Valley, New York City, North Country, Southern Tier and Western New York. Only one award will be made within any of the ten regions referenced above.

Awards are contingent upon the availability of federal SP-NEG funding.

### **B. Use of Funds**

#### **1. Allowable Costs**

Funds may be used by the Lead LWDB in securing expert speakers, group facilitation, meeting logistics and supplies required for regional sector partnership. Procurement of services must be from an organization(s) with expertise in the development of sector partnerships, and demonstrated success in group planning efforts as appropriate to the service requested. Funds may be used to cover the fees for services, including, but not limited to:

- The time and travel associated with such services;
- The planning and convening of regional sector partnership meetings;
- The development of materials needed for regional sector partnership meetings;
- The reports detailing the methodology of partnership; and
- The results of the partnership.

Funds must be used in a fashion that maximizes the development of regional sector partnerships supporting priority industries of the REDCs.

Additional guidance in the design of regional sector partnership development is offered in [Section IV](#) of this RFQ.

A 10% administrative allocation is allowed for costs incurred on the part of the LWDB associated with this SP-NEG RSPD RFQ. For example, an award of \$50,000 can include up to \$5,000 of administrative costs.

#### **2. Restrictions on the use of funds**

The SP-NEG RSPD initiative will only pay for the costs associated with activities as listed above. It will not pay for any of the following items:

- The acquisition, construction, or renovation of buildings or other real estate;
- The purchase of any equipment or operational software;
- Advertising;
- Entertainment;

- Interest costs incurred by provider agencies;
- Costs of organized fund raising;
- Registration fees;
- Costs associated with NYSDOL staff in the One-Stop Centers;
- Payment of fees associated with attendance at seminars, conferences, or meetings of professional organizations; and/or
- Any other costs deemed inappropriate by NYSDOL, and any costs that do not meet the intent of the RFQ.

### **C. Award Minimums**

There is no minimum award amount under the SP-NEG RSPD. All awards are subject to funding availability.

### **D. NOA Agreements**

NOA agreements will be awarded for a period to begin no earlier than July 1, 2017 and not to exceed the end date of the Federal grant currently set to expire on June 30, 2018. Lead LWDBs must include only those sector partnership development services that can be reasonably accomplished within the agreement period. NOAs may not be extended past June 30, 2018, unless USDOL/ETA offers and grants NYSDOL an extension of the SP-NEG grant, which is very unlikely as the Federal grant has already been extended once to give the maximum three-year term. In the absence of any extension, all awarded funds must be fully expended by June 30, 2018.

### **E. NYSDOL's Responsibilities**

NYSDOL will oversee implementation of agreements resulting from this RFQ, including regular monitoring of implementation and performance of the agreements.

Funding for the activities outlined in this RFQ will come from USDOL's SP-NEG and is subject to State and/or Federal legislative appropriation. NYSDOL staff will ensure accurate and timely reporting of program outcomes as well as Federal evaluation documentation as required by the USDOL.

### **F. LWDBs Requirements**

By submission of a Statement of Qualifications (SOQ) in response to this solicitation, the Lead LWDB agrees with all of the terms and conditions set forth in the attachments to this RFQ.

Awarded LWDBs will be required to provide reports at intervals specified by NYSDOL. In addition, USDOL/ETA may conduct an independent evaluation of the outcomes and benefits of SP-NEGs. By accepting a SP-NEG award under this RFQ, the Lead LWDB and all associated LWDBs agree to participate in any such evaluation.

Lead LWDBs must comply with Federal and State statutes, regulations and terms and conditions of the Federal SP-NEG award. Lead LWDBs must sign and submit the Federal and State Certifications (FSC in [Section VIII](#)).

## G. Participation Requirements

Please refer to [section VIII](#) (Attachments and Appendices) for further information on these requirements.

### 1) Business Participation Opportunities for MWBEs

Pursuant to NYS Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations (NYCRR), NYSDOL is required to promote opportunities for maximum feasible participation of NYS certified Minority and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of the NYSDOL contracts.

#### a) Contract Goals

For purposes of this solicitation, NYSDOL hereby establishes an overall goal of **30%** for MWBE participation, **15%** for NYS certified minority-owned business enterprises (“MBE”) participation and **15%** for NYS certified women-owned business enterprises (“WBE”) participation (based on the current availability of MBEs and WBEs). A Contractor awarded funds from this RFP must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the contract. To that end, by submitting a response to this RFP, the Bidder agrees that NYSDOL may withhold payment pursuant to any contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how NYSDOL will evaluate a Contractor’s “good faith efforts,” refer to 5 NYCRR §142.8.

The Bidder understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25% of the total value of the contract.

In accordance with 5 NYCRR §142.13, the Contractor further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a contract resulting from this RFP, such finding constitutes a breach of contract and NYSDOL may withhold payment as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the contract.

By submitting a bid or proposal, the Bidder agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the NYS Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that the Bidder may arrange to provide such evidence via a non-electronic method by contacting:

NYSDOL  
Purchase and Contracts, MWBE Administrator  
State Campus  
Building 12, Room 454  
Albany, NY 12240  
518-474-2678  
Fax: 518-457-0620

b) MWBE Utilization Plan (MWBE 100, MWBE-4 in [section VIII](#))

A Bidder will be required to submit the MWBE Utilization Plan with their bid or proposal as evidence of compliance with the foregoing. Any modifications or changes to an accepted MWBE Utilization Plan after the contract award and during the term of the contract must be reported on a revised MWBE Utilization Plan and submitted to NYSDOL for review and approval.

NYSDOL will review the submitted MWBE Utilization Plan and advise the Bidder of acceptance or issue a notice of deficiency within 30 days of receipt.

If a notice of deficiency is issued, the Bidder will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to NYSDOL, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by NYSDOL to be inadequate, NYSDOL shall notify the Bidder and direct the Bidder to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

NYSDOL may disqualify a Bidder as being non-responsive under the following circumstances:

- If a Bidder fails to submit a MWBE Utilization Plan (MWBE 100, MWBE-4 in [section VIII](#));
- If a Bidder fails to submit a written remedy to a notice of deficiency;
- If a Bidder fails to submit a MWBE 101, Request for Waiver (MWBE 101, MWBE-5 in [section VIII](#)); and/or
- If NYSDOL determines that the Bidder has failed to document good faith efforts.

The Contractor is required to make good faith attempts to utilize any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the contract. Requests for a partial or total waiver of established goal requirements subsequent to contract award may be made at any time during the term of the contract to NYSDOL, but must be made prior to the submission of a request for final payment on the contract.

The Contractor will be required to submit a MWBE Quarterly Compliance Report to NYSDOL, by the 10<sup>th</sup> day following each end of quarter over the term of the contract documenting the progress made toward achievement of the MWBE goals of the contract.

2) Equal Employment Opportunity Staffing Plan (EEO 100, MWBE-2 in [section VIII](#))

A Bidder will be required to submit EEO 100 with their bid or proposal as evidence of compliance with the foregoing.

By submission of a bid or proposal in response to this solicitation, the Bidder agrees with all of the terms and conditions of the Master Contract for Grants – Standard Terms and Conditions, specifically Section VI.J. (available in the Contract Documents module of the Grants Gateway portal). Contractors are required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the contractor, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff,

termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the contract; or (ii) employment outside NYS.

The Bidder will be required to submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement to NYSOL with its bid or proposal.

If awarded a contract, Bidders shall submit a Workforce Utilization Report (EEO 101, MWBE-3 in [section VIII](#)) and shall require each of its subcontractors to submit a Workforce Utilization Report, in such format as shall be required by NYSDOL on a quarterly basis during the term of the contract.

Pursuant to Executive Order #162, Contractors and subcontractors will also be required to report the gross wages paid to each of their employees for the work performed by such employees on the contract utilizing the EEO 101 (MWBE-3 in [section VIII](#)) form on a quarterly basis.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other NYS and Federal statutory and constitutional non-discrimination provisions, the Contractor 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 the NYS Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the contract, leading to the withholding of funds, suspension or termination of the contract or such other actions or enforcement proceedings as allowed by the contract.

### 3) Participation Opportunities for New York State Certified Service-Disabled Veteran Owned Businesses

Article 17-B of the NYS Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOB"), thereby further integrating such businesses into NYS' economy. NYSDOL recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of NYSDOL contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in NYS, Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

#### a) Contract Goals

NYSDOL hereby establishes an overall goal of **6%** for SDVOB participation, based on the current availability of qualified SDVOBs. For purposes of providing meaningful participation by SDVOBs, the Bidder/Contractor should reference the directory of NYS Certified SDVOBs found at: <https://online.ogs.ny.gov/SDVOB/search>. Questions regarding compliance with SDVOB participation goals should be directed to NYSDOL, SDVOB Administrator, Purchase and Contracts, State Campus, Building 12, Room 454, Albany, NY 12240; Email: [Labor.sm.SDVOBAdmin@labor.ny.gov](mailto:Labor.sm.SDVOBAdmin@labor.ny.gov); Phone: 518-474-2678; Fax: 518-457-0620. Additionally, following contract execution, Contractor is encouraged to contact the Office of General Services' Division of Service-Disabled Veterans' Business Development at

518-474-2015 or [VeteransDevelopment@ogs.ny.gov](mailto:VeteransDevelopment@ogs.ny.gov) to discuss additional methods of maximizing participation by SDVOBs on the contract.

Contractor must document “good faith efforts” to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of the contract (see [section II.G.3.d.](#) below).

b) SDVOB Utilization Plan (SDVOB 100, SDVOB-1 in [section VIII](#))

In accordance with 9 NYCRR § 252.2(i), Bidders are required to submit a completed SDVOB Utilization Plan with their bid.

The Utilization Plan shall list the SDVOBs that the Bidder intends to use to perform the contract, a description of the work that the Bidder intends the SDVOB to perform to meet the goals on the contract, the estimated dollar amounts to be paid to an SDVOB, or, if not known, an estimate of the percentage of contract work the SDVOB will perform. By signing the Utilization Plan, the Bidder acknowledges that making false representations or providing information that shows a lack of good faith as part of, or in conjunction with, the submission of a Utilization Plan is prohibited by law and may result in penalties including, but not limited to, termination of a contract for cause, loss of eligibility to submit future bids, and/or withholding of payments. Any modifications or changes to the agreed participation by SDVOBs after the contract award and during the term of the contract must be reported on a revised SDVOB Utilization Plan and submitted to NYSDOL.

NYSDOL will review the submitted SDVOB Utilization Plan and advise the Bidder of NYSDOL’s acceptance or issue a notice of deficiency within 20 days of receipt.

If a notice of deficiency is issued, the contractor agrees that it shall respond to the notice of deficiency, within seven business days of receipt, by submitting to NYSDOL a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by NYSDOL to be inadequate, NYSDOL shall notify the contractor and direct the contractor to submit, within five business days of notification by NYSDOL, a request for a partial or total waiver of SDVOB participation goals (SDVOB 200, SDVOB-3 in [section VIII](#)). Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

NYSDOL may disqualify a Bidder’s bid or proposal as being non-responsive under the following circumstances:

- If a Bidder fails to submit a SDVOB Utilization Plan (SDVOB 100, SDVOB-1 in [section VIII](#));
- If a Bidder fails to submit a written remedy to a notice of deficiency;
- If a Bidder fails to submit a request for waiver (SDVOB 200, SDVOB-3 in [section VIII](#)); and/or
- If NYSDOL determines that the Bidder has failed to document good faith efforts.

If awarded a contract, contractor certifies that it will follow the submitted SDVOB Utilization Plan for the performance of SDVOBs on the contract pursuant to the prescribed SDVOB contract goals set forth above.

Contractor further agrees that a failure to use SDVOBs as agreed in the Utilization Plan shall constitute a material breach of the terms of the contract. Upon the occurrence of such a material breach, NYSDOL shall be entitled to any remedy provided herein, including but not limited to, a finding of Contractor non-responsibility.

c) Request for Waiver (SDVOB 200, SDVOB-3 in [section VIII](#))

Prior to submission of a request for a partial or total waiver, Bidders may speak to the SDVOB Administrator at NYSDOL for guidance.

In accordance with 9 NYCRR § 252.2(m), a Bidder that is able to document good faith efforts to meet the goal requirements, as set forth in Section II(G)(3)(d) below, may submit a request for a partial or total waiver on Form SDVOB 200 (SDVOB-3 in [section VIII](#)), accompanied by supporting documentation. A Bidder may submit the request for waiver at the same time it submits its SDVOB Utilization Plan (SDVOB-1 in [section VIII](#)). If a request for waiver is submitted with the SDVOB Utilization Plan (SDVOB-1 in [section VIII](#)) and is not accepted by NYSDOL at that time, the provisions of Sections II(G)(3)(C-E) of this RFP will apply. If the documentation included with the Bidder's waiver request is complete, NYSDOL shall evaluate the request and issue a written notice of acceptance or denial within 20 days of receipt.

The contractor is required to make good faith attempts to utilize the SDVOBs identified within its SDVOB Utilization Plan (SDVOB-1 in [section VIII](#)), during the performance of the contract. Requests for a partial or total waiver of established goal requirements subsequent to contract award may be made at any time during the term of the contract to NYSDOL, but must be made prior to the submission of a request for final payment on the contract.

If NYSDOL, upon review of the SDVOB Utilization Plan and Monthly SDVOB Compliance Report (SDVOB 101, SDVOB-2 in [section VIII](#)) determines that the contractor is failing or refusing to comply with the contract goals and no waiver has been issued in regard to such non-compliance, NYSDOL may issue a notice of deficiency to the contractor. The contractor must respond to the notice of deficiency within seven business days of receipt. Such response may include a request for partial or total waiver of SDVOB contract goals.

Waiver requests should be sent to NYSDOL, Purchase and Contracts, SDVOB Administrator, State Campus, Building 12, Room 454, Albany, NY 12240.

d) Required Good Faith Efforts

In accordance with 9 NYCRR § 252.2(n), contractors must document their good faith efforts toward utilizing SDVOBs on the contract. Evidence of required good faith efforts shall include, but not be limited to, the following:

- Copies of solicitations to SDVOBs and any responses thereto.
- Explanation of the specific reasons each SDVOB that responded to contractors' solicitation was not selected.
- Dates of any pre-bid, pre-award or other meetings attended by contractor, if any, scheduled by NYSDOL with certified SDVOBs whom NYSDOL determined were capable of fulfilling the SDVOB goals set in the contract.
- Information describing the specific steps undertaken to reasonably structure the contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified SDVOBs.
- Other information deemed relevant to the waiver request.

e) Monthly SDVOB Contractor Compliance Report (SDVOB 101, SDVOB-2 in [section VIII](#))

In accordance with 9 NYCRR § 252.2(q), the contractor is required to report Monthly SDVOB Contractor Compliance Report to NYSDOL during the term of the contract for the preceding month's activity,

documenting progress made towards achieving the contract SDVOB goals. This information must be submitted using form SDVOB 101 (SDVOB-2 in [section VIII](#)) available on NYSDOL's website and should be completed by the contractor and submitted to NYSDOL, by the 10th day of each month during the term of the contract, for the preceding month's activity to: NYSDOL, SDVOB Administrator, Purchase and Contracts, State Campus, Building 12, Room 454, Albany, NY 12240. Email: [Labor.sm.SDVOBAdmin@labor.ny.gov](mailto:Labor.sm.SDVOBAdmin@labor.ny.gov); Phone: 518-474-2678; Fax: 518-457-0620.

f) Breach of Contract and Damages

In accordance with 9 NYCRR § 252.2(s), any contractor found to have willfully and intentionally failed to comply with the SDVOB participation goals set forth in the contract, shall be found to have breached the contract and contractor shall pay damages as set forth therein.

### **III. Eligibility Information**

#### **A. Lead LWDB Eligibility**

As established in the regional planning process, the LWDBs in each region designate one LWDB to submit, as the Lead LWDB, documents associated with this RFQ. The submission email must copy all LWDB Directors and Chief Elected Officials within the region and contain the subject line "{Region}: Regional Sector Partnership Development Statement of Qualifications."

Unincorporated LWDBs interested in applying as the Lead LWDB must designate the local area's WIOA grant recipient or fiscal agent as the official grantee for any award made under this RFQ.

Consultants, training providers, trade organizations and other third-party entities are not eligible to apply for funds on behalf of LWDBs.

### **IV. Scope of Project**

#### **A. Business-Driven Sector Partnership Development Strategy**

Researchers, economists, and policymakers agree that in order for businesses to remain competitive in a global economy, workers must continue to be educated, be highly skilled, and have the ability to adapt to changing economic needs. Workforce development initiatives must not only meet the needs of businesses but also enhance employment opportunities and thus, the quality of life for workers. A quality workforce goal translates to the ability of a region to be economically competitive. Community prosperity is the unifying goal for all sector partners. The sector partnership strategy relies on a regionally developed, business-driven process that is headed by industry leaders in the role of partnership champions.

A successful business-driven sector partnership strategy focuses on the needs of a specific industry and aligns the entire workforce development system within the identified region to serve those needs. The workforce development system includes industry, education as well as workforce. The benefits of a business-driven sector partnership approach include:

- The ability to serve more individuals with less money;
- The ability to create systems that align the hiring needs of businesses with job seeking residents according to regional business demand;

- The ability to assist businesses with increasing productivity and customer satisfaction, training incumbent workers, and decreasing employee turnover;
- Providing skills upgrades and credentials to incumbent workers maintaining their competence in current title, and creating the possibility for advancement;
- Backfilling entry- level opportunities for new employees with an available, ready- to- work, trained talent pool;
- Integrating local literacy, education, and training providers to help meet the needs of businesses and job seekers;
- Increasing the competitive advantage and quality of living for sector partnership regions;
- The ability to train and employ youth to build tomorrow's workforce;
- Opportunities to make on-the-job training available in priority industries;
- Ensuring that the workforce in a specific industry is appropriately skilled to help businesses grow; and
- The ability to leverage and align resources to enhance the strength, flexibility, and responsiveness of businesses.

## **B. Project Deliverables**

Awarded Lead LWDBs will procure services and resources to develop business-driven regional sector partnerships supporting priority industries of the REDCs. The ability to procure services and resources is strongly encouraged and is intended to allow for third party facilitation of sector partnership discussion in settings conducive of creativity and free from workplace distractions. This ensures no one workforce development system partner is driving the conversation and builds trust among the partners.

### ***Sector Partnerships***

It is anticipated the regional plans will include a variety of program design methods to achieve the sector partnerships as outlined above. Flexibility in this design rests with the regional LWDBs to allow the development of a regional sector partnership plan within the time frame and budget as allowed in this RFQ and based on the needs and resources available within the regions. The minimum requirements to the sector partnership program design include:

- Developing written reports and presenting oral reports to the SWIB, if so requested;
- Developing written reports and presenting oral reports to the SWIB Education and Credential and Significant Industry Committees via teleconference technology, if so requested; and
- Convening, coordinating and facilitating at least two regional stakeholder meetings of each of the partnership representatives: (1) state workforce and labor organizations, (2) business and industry, and (3) training, education, and/or community-based organizations.

Sector partnership projects must include a framework for ensuring the facilitation, coordination, and purchase of necessary supplies for regional sector partnership development. These services may include many of the following activities and must provide as much detail as possible in the planning document (Note, these activities are not required to be completed at the time of request for funding but rather are offered as suggestions of activities that can be included in the project.):

- Establishing a project leadership team;

- Identifying a Business-Driven Sector Partnership champion(s) from within the identified priority industry/industries;
- Convening meetings of key regional sector partnership stakeholders, such as workforce representatives, business and industry representatives, training providers, community colleges, and labor and community organizations;
- Leveraging existing plans and partnerships in the identified priority industry/industries;
- Conducting asset mapping and other analysis such as Strength, Weakness, Opportunity and Threat (SWOT) analysis;
- Conducting an analysis of existing industry specific training and education in the identified priority industry/industries;
- Conducting research on staffing information and patterns data in the identified priority industry/industries in order to identify in-demand occupations/titles with cross-industry mobility;
- Providing policy recommendations that help to guide public investments;
- Mapping current or accepted education and training requirements for occupations in the identified priority industry/industries;
- Identifying critical skills and foundational competencies for entry and mid-level jobs in the identified priority industry/industries;
- Analyzing target occupations/titles to determine skills gaps that exist within the identified priority industry/industries occupations where there are lateral or promotional paths;
- Determining what type of education/training/credentialing is needed to address these occupational skills gaps. Identifying where training/credentials are stackable, redundant, or could be supplemented through work experience or OJT to accommodate promotions;
- Locating and/or developing aligned industry curricula in existing training or degree programs that can address gaps as well as competencies/skills needed for entry and mid-level positions in the identified priority industry/industries; and/or
- Documenting the work of this project in oral and written reports to the SWIB and its subcommittees, if so requested, that include such topics as:
  - Regionally identified priority industry/industries stakeholders identified or needed;
  - The process utilized and recommendations on changes needed;
  - Highlights of challenges encountered as well as successes; and
  - Lessons learned.

## **V. Process for Statement of Qualification Submission**

### **A. SOQ Content**

Regional LWDBs who wish to participate in the SP-NEG RSPD program must qualify by designating one LWDB to submit, as the Lead LWDB, documents associated with this RFQ. The submission email must copy all LWDB Directors and Chief Elected Officials within the region and contain the subject line “{Region}: Regional Sector Partnership Development Statement of Qualifications.”

Lead LWDBs responding to this RFQ must submit a regional SP-NEG RSPD plan via an SOQ. All regions, as defined in [Section III.A](#), are encouraged to respond to this RFQ.

An SOQ template (SOQ) is provided in [Section VIII](#) of this RFQ.

The SOQ identifies and describes a regionally developed RSPD plan, including:

- Lead LWDB;
- Applicant region;
- Existing sector partnerships;
- Priority industry/industries on which the applicant region plans to focus this sector partnership;
- Framework of activities to ensure development of a business-driven regional sector partnership supporting the identified priority industry/industry within the program period based on program design guidance located in [Section IV](#); and
- Cost projection of sector partnership plan services and resources to be procured. [Template provided in [Section VIII](#) (CPT)]

\*Commitment letters from regional LWDBs must be submitted with the SOQ as they demonstrate the minimum eligibility of the Lead LWDB's designation by the region's LWDBs as well as the region's commitment to participate in the project. Commitment letters are not included in the page limits.

## **B. Questions Concerning This RFQ**

LWDBs may submit questions via electronic mail ([WDTD.Onestop@labor.ny.gov](mailto:WDTD.Onestop@labor.ny.gov)). Questions regarding this RFQ will be accepted on an ongoing basis until 4:00 PM NYS Time on Wednesday, May 23, 2018. No telephone inquiries will be accepted. All inquiries should include the following reference in the Subject line: "SP-NEG RSPD Question". Answers to all questions will be posted on NYSDOL's web site (<http://labor.ny.gov/businessservices/funding.shtm>) on an ongoing basis until Tuesday, May 25, 2018.

## **C. SOQ Due Date**

SOQs and cost projections must be received by NYSDOL no later than 4:00 PM NYS Time on Tuesday, May 29, 2018. Any statement or unsolicited amendments to statements received after the due date and time will not be considered in the review process. No faxed documents will be accepted. NYSDOL takes no responsibility for any third-party error in the delivery of applications (e.g. Internet Service Provider, Computer Failure, etc.).

## **D. SOQ Submission Instructions and Format**

Submit the entire SOQ and the cost projection, with original signatures (PDFs of scanned documents or e-signatures are acceptable), to:

[Krista.Barringer@labor.ny.gov](mailto:Krista.Barringer@labor.ny.gov) with the following in the subject line:

"{Region}: Regional Sector Partnership Development Statement of Qualifications"

The SOQ (SOQ in [Section VIII](#)) must not exceed 10 single-spaced, single-sided 8.5 x 11-inch pages. The cost projection (CPT in [Section VIII](#)) is not included in this limit. All text should use a 12-point font and 1-inch margins. All pages must be numbered and begin with page number 1.

## **E. RFQ Timetable**

- RFQ Release Date – May 4, 2018
- Deadline Date for Questions -- May 23, 2018
- Final Date for Responses to Questions - May 25, 2018
- SOQ Due Date – No later than 4:00 PM NYS Time on May 29, 2018
- Projected Notification of Awards – June 8, 2018
- Latest Possible NOA End Date - June 30, 2018

## **VI. Statement Review and Selection**

### **A. Evaluation of Statement of Qualifications**

A complete packet, including the SOQ and the cost projection must be submitted by the submission date so that NYSDOL can conduct a full and proper evaluation. Failure to answer all questions in the SOQ will jeopardize the region's potential for funding. NYSDOL will first make an initial eligibility determination on each SOQ received. Statements will be reviewed and awards will be made in the order that they are received.

It is important to note that:

- Incomplete statements will be disqualified;
- Ineligible statements will be disqualified before completing a review;
- All statements that are determined not to be responsive or responsible will be disqualified after completing a review;
- Statements that fail to meet requirements may be disqualified after completing a review;
- As this is an RFQ, there is no commitment from NYSDOL to fund any or all Statements;
- NYSDOL reviews will result in a final determination; and
- NYSDOL may award a qualified statement for any or all parts of a statement and may negotiate NOA agreement terms and conditions to meet agency program requirements consistent with this SP-NEG RSPD RFQ.

### **B. Evaluation Criteria**

The evaluation of SOQs will seek to ensure Lead LWDBs have comprehensively and effectively planned for the securing services and resources needed for regional sector partnership in identified priority industry/industries as described in [Section II.B.1](#) of this RFQ.

The review of SOQs will ensure the Lead LWDB fully described, using REDC regional data:

- An existing sector partnership within the region;
- The priority industry/industries on which the applicant region plans to focus this sector partnership;

- A framework of activities to ensure development of a business-driven regional sector partnership supporting the identified priority industry/industry within the program period based on program design guidance located in [Section IV](#);
- ~~The regional LWDB staff or partners that will ensure the sector partnership plan implementation and reporting; and~~
- ~~The proposed plan impact on the identified priority industry/industries.~~

A review of the budget will ensure the proposed costs adequately funds and matches the sector partnership plan as proposed in the SOQ.

During the budget review process, NYSDOL will not remove any disallowed costs included in the budget. However, during the award process and NOA agreement negotiations, if it is determined that ineligible costs were included in the statement, those costs will not be included in the final NOA agreement.

### C. Method of Selection

NYSDOL's determination of each statement will be whether the Lead LWDB is "qualified" or "not qualified" in both the Statement of Qualification and the budget to move forward with a NOA agreement. Grant funds will be issued to qualified/selected LWDBS through a NOA. Awards will be made until funding is expended.

In the review of SOQs, Lead LWDBs will be deemed qualified if they meet four (4) of the six (6) following category statements:

- EXISTING SECTOR PARTNERSHIPS: Using REDC regional data, an existing sector partnership is fully described.
- PRIORITY INDUSTRY/INDUSTRY: At least one REDC regionally identified priority industry to which the applicant region plans to focus this sector partnership is fully described.
- ACTIVITY FRAMEWORK: A framework of activities is fully described and includes activities that will ensure the development of a business-driven regional sector partnership.
- ACTIVITIES SUPPORT PRIORITY INDUSTRY: The framework of activities supporting the identified priority industry/industry within the program period based on program design guidance located in the RFQ.
- ~~REGIONAL LWDB STAFF OR PARTNERS: The staffing is detailed to ensure the provision of the sector partnership plan implementation and reporting.~~
- ~~IMPACT ON INDUSTRY: The proposed plan identifies at least one workforce development system impact on the identified priority industry/industries.~~

In the review of the budget, LWDBs will be deemed qualified if they meet three (3) of the four (4) following category statements:

- SERVICES: Services are detailed and match the proposed services indicated in the Statement of Qualifications.
- COST PROJECTIONS: Service detail includes estimated per item or hour cost and the number of staff or items.
- OVERALL COST: Overall cost is realistic and adequately funds the proposed services.

- **COST DETAIL:** Proposed services provide adequate detail to enable the reviewer to understand the procurement of services and resources to ensure regional sector partnership.

## **VII. Award Administration and Information**

### **A. Award Notices**

All Lead LWDBs submitting SOQs under this funding opportunity will receive a written communication informing them of the decision on their submission and successful Lead LWDBs will be contacted by contract development staff. Lead LWDBs who receive an award on behalf of their region must be prepared to enter into a NOA agreement negotiation immediately and begin securing the services and resources necessary for the sector partnership plan implementation.

### **B. Fiscal Reporting**

Lead LWDBs awarded funding under the SP-NEG RSPD program will receive funds via the NOA process. All expenditures and obligations incurred under the SP-NEG RSPD program must be reflected on the local area's monthly fiscal report. These fiscal reports must be consistent with the records maintained by the Lead LWDB.

Monthly fiscal reports are submitted to NYSDOL via the PeopleSoft Financial Reporting System (PS). Reports must be submitted to NYSDOL by the 20th day of the month following the month reported. Additionally, cash reporting for this grant must be included on the Monthly Cash Reports and emailed to [dews.aers-taa@labor.ny.gov](mailto:dews.aers-taa@labor.ny.gov).

Detailed information pertaining to fiscal reporting (e.g., frequency of the NOAs, PeopleSoft requirements, Cash Reports, Record Retention, etc.) will be provided to your LWDB and fiscal office upon award of funds. Fiscal Reporting policies governed by NYSDOL are more specifically covered under Technical Advisory 11-2.4 (<https://www.labor.ny.gov/workforcenypartners/ta/TA11-2-4-Updated-Financial-Reporting-and-Drawdown-Policy.pdf>).

### **C. General Requirements**

All statements and accompanying documentation will become the property of the NYS and will not be returned. The content of each statement will be held in strict confidence during the evaluation process, and no details of the application will be discussed outside of the evaluation process. The successful statement and portions of the RFQ deemed applicable by NYSDOL will be made part of the agreement; therefore, an official authorized to commit the Lead LWDB to an agreement with NYSDOL must sign the statement documents.

### **D. Buy American Requirements**

Lead LWDBs should be aware of the requirements of the WIOA, Section 502 which provides that none of the funds made available under Title I or II of WIOA or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. sections 8301 through 8303). It is the sense of Congress that entities receiving assistance should, in expending the assistance, purchase only American-made equipment and products. See WIOA, Section 502 – Buy American Requirements included in the WIOA document (WIOA) located in [Section VIII](#) of this RFQ.

## **E. Federal Executive Orders**

The WIOA funds supporting this initiative are subject to the following Federal Executive Orders.

- Executive Order 13333 –This contract may be terminated without penalty, if the contractor or any subcontractor (i) engages in severe forms of trafficking in persons or has procured a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect, or (ii) uses forced labor in the performance of the grant, contract, or cooperative agreement. (22 U.S.C. § 7104(g))
- Executive Order 13513 – Sec. 4. Text Messaging While Driving by Government Contractors, Subcontractors, and Recipients and Sub-recipients. Contractors, subcontractors, and recipients and sub-recipients are encouraged to adopt and enforce policies that ban text messaging while driving a vehicle when performing official Government business or work on behalf of the Government, and to conduct initiatives of the type described in section 3(a) of the Executive Order.
- Executive Order 12928 – the recipients are strongly encouraged to provide contracting/subcontracting opportunities to Historically Black Colleges and Universities and other Minority Institutions such as Hispanic-Serving Institutions and Tribal Colleges and Universities; and to Small Business Owned and Controlled by Socially and Economically Disadvantaged Individuals.
- Executive Order 13043 – Increasing the Use of Seat Belts in the United States. Recipients are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating vehicles, whether organizationally owned or rented or personally owned.
- Executive Order 13166 – recipients must take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access to programs in accordance with USDOL’s Policy guidance on the Prohibition of National Origin Discrimination as it Affects Persons with LEP Volume 68, Number 103, Page 32289-32305. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary.

## **F. Reservation Clauses**

NYS/DOL, in order to serve the best interests of NYS, reserves the right to:

- 1) Make no awards;
- 2) Postpone or cancel this RFQ upon notification to all LWDBs;
- 3) Amend the specifications after their release with appropriate notice to all LWDBs;
- 4) Request Lead LWDBs to present supplemental information clarifying their statement, either in writing or in formal presentation;
- 5) Waive or modify minor irregularities in statements received after prior notification to the Lead LWDB;
- 6) Remove statements with unreasonable costs from award consideration;
- 7) Correct any arithmetic errors in any statement or budget;
- 8) Reject any and all statements received in response to this RFQ;
- 9) Contact LWDB references to local partners as a check on qualifications.;

- 10) Award NOA agreements to more than one LWDB;
- 11) Negotiate with selected Lead LWDB prior to NOA award;
- 12) Make any payment contingent upon the submission of specific deliverables;
- 13) Require that all offers are held open for a period of 120 days unless otherwise expressly provided for in writing; and
- 14) Rescind the award of any Lead LWDB that is unable or unwilling to promptly engage in the NOA agreement process or to begin providing the service in accordance with the agreement terms. No Lead LWDBs will have any rights against NYSDOL arising from such action.

## VIII. Attachments

Attachment Number	Document Title	Required to be reviewed/completed and submitted by due date (unless specified)
SOQ	<a href="#">Statement of Qualifications</a>	Yes, with original signatures
CPT	<a href="#">Cost Projection Template</a>	Yes
FSC	<a href="#">Federal and State Certifications</a>	Yes, with original signatures
WIA	<a href="#">Workforce Investment Act Regulations Section 671</a>	No
WIOA	<a href="#">Workforce Innovation and Opportunities Act References</a>	No
MWBE	<a href="#">Appendix – Minority and Women-Owned Business Enterprises (MWBE) and Equal Employment Opportunity (EEO) Requirements and Procedures</a>	No
MWBE-1	<a href="#">MWBE and EEO Policy Statement</a>	Yes, with original signatures.
MWBE-2	<a href="#">EEO 100 - EEO Staffing Plan</a>	Yes, with original signatures
MWBE-3	<a href="#">Appendix – EEO 101 – Workforce Utilization Report</a>	No, required quarterly AFTER Contract Award
MWBE-4	<a href="#">MWBE 100 - MWBE Utilization Plan</a>	Yes, for Bidders requesting \$25,000 or more in grant funds.
MWBE-5	<a href="#">MWBE 101 - Application for Waiver of MWBE Participation Goal</a>	Yes, for Bidders requesting \$25,000 or more in grant funds and if MWBE participation is anticipated to be less than 30%, with original signatures.
MWBE-6	<a href="#">Appendix - MWBE 105 - MWBE Quarterly Compliance Report</a>	No, required quarterly AFTER Contract Award
SDVOB	<a href="#">Appendix – Service-Disabled Veteran-Owned Businesses (SDVOB) Requirements and Procedures</a>	No
SDVOB – 1	<a href="#">SDVOB 100 - SDVOB Utilization Plan</a>	Yes, for Bidders requesting \$25,000 or more in grant funds, with original signatures
SDVOB – 2	<a href="#">Appendix – SDVOB 101 – SDVOB Monthly Compliance Report</a>	No, required monthly AFTER Contract Award
SDVOB – 3	<a href="#">SDVOB 200 - Application for Waiver of SDVOB Participation Goal</a>	Yes, for Bidders requesting \$25,000 or more in grant funds and if SDVOB participation is anticipated to be less than 6%, with original signatures

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