

Criminal Justice Committee

District Attorney Office

AGENDA

February 25, 2019

Committee Members: LEGGETT, Geraghty, Simpson, Wild, Magowan, Sokol, Hogan, Braymer, Driscoll, Merlino, Vacant

- I. Committee meeting called to order by Chairman
- II. Motion to approve minutes of prior Committee meeting
- III. Action Agenda/New Business
 1. Request to apply for Office of Victim Services three year grant.
Rationale: Resolution request to apply for the Victim Services grant to fund the Victim Assistance Program within the District Attorney's Office.

IV. Referral/Pending Items

V. Information for Discussion/Review

(List here budget reports, annual reports, project reports, business activity, updates, photos of projects, etc. - whatever you normally report on to Committee)

VI. Privilege of the Floor to discuss any additional items to come before the Committee

VI. Motion to adjourn

Attachments

(List attachments by number relating to the above cited regular items)

RESOLUTION REQUEST FORM NO. 5

Request to Apply for a Grant Application and Grant Agreement

DEPARTMENT NAME: District Attorney- Victim Assistance Program

DATE: 2-25-19

- (a) Purpose of Grant:
to fund the Victim Assistance Program beginning 10-01-2019 until 9-30-2022 with a 2 year optional renewal
- (b) Name of Grantor:
New York State Office of Victim Services
- (c) Address of Contractor: **80 South Swan Street, 2nd Floor
Albany , NY 12210-8002**
- (d) Grantor's Contact Person and Telephone Number:
Chet Fiske 518-457-5001
- (e) Has or Will the Grant Application or Grant Agreement be provided, if so, Please Attach? **Attached**
- (f) Effective Date of Grant: **10-01-2019**
- (g) Termination Date of Grant: **9-30-2022 with an optional 2 year renewal**
- (h) Total Dollar Amount Involved (not to exceed): **TBD**
- (i) Deadline to Submit Grant Application and/or Grant Agreement:
4-03-19
- (j) Is a Budget amendment required? **NO** If yes, also complete and submit Form No. 7.
- (k) Are the funds to go into a Capital Project or Capital Reserve Project? **NO** If yes, also complete and submit Form No. 8 or Form No. 9, as applicable.
- (i) Is a Local Share Required? **YES** If Yes, Where are the Funds? List Budget Code, Object Code, Full Title* and Amount **OR** Capital Project **OR** Capital Reserve Project Number and Title and Amount:

MATCH FUNDS- In kind from interns and space/ 5% from county for Director

Sample: A.1010 470 Legislative Board – Contract \$xx.xx

Capital Project No. H289.9550 480 – Old Jail Renovations \$xx.xx

*as listed in budget and LOGOS

Affinito, Manon

From: ovs.sm.grants <ovsgrants@ovs.ny.gov>
Sent: Wednesday, January 16, 2019 10:00 AM
To: ovs.sm.grants
Subject: Broadcast Email - VOCA Victim Assistance Program Request for Applications

THE FOLLOWING IS A BROADCAST EMAIL TO ALL OVS FUNDED VICTIM ASSISTANCE PROGRAMS

Dear Colleague:

The New York State Office of Victim Services is announcing a funding opportunity available to all New York State victim assistance programs. The goal of this Request for Applications (RFA) is to outline how to apply for funding to support direct services that meet the immediate and long-term needs of crime victims under the Victims of Crime Act (VOCA) Victim and Witness Assistance Grant Program. Contracts resulting from this procurement will be in effect beginning October 1, 2019 and will be in effect for three years. Please note that all current VAP contracts that were executed as a result of the RFA OVS issued in 2014 end on September 30, 2019 and cannot be renewed or extended. In order to receive future funding for your program, you must be awarded funding under this new RFA. For additional information regarding this procurement opportunity as well as **important deadlines**, please visit the Grants Gateway at the following address:

https://grantsgateway.ny.gov/IntelliGrants_NYSGG/module/nysgg/goportal.aspx

On behalf of the New York State Office of Victim Services, thank you for your commitment to providing the highest quality services to innocent victims of crime in New York State.

Sincerely,

Chet Fiske
Contract Management Specialist 3

New York State Office of Victim Services
Alfred E. Smith State Office Building
80 South Swan Street, 2nd Floor
Albany, NY 12210-8002

(518) 457-5001 | Chester.Fiske@ovs.ny.gov

www.ovs.ny.gov



**Office of
Victim Services**

**REQUEST FOR APPLICATIONS
for
VICTIMS OF CRIME ACT (VOCA)
VICTIM AND WITNESS ASSISTANCE GRANT
PROGRAM**

**Victims of Crime Act (VOCA)
Victim Assistance Program**

**Andrew M. Cuomo, Governor
Elizabeth Cronin, Director**

RFA Release Date: January 16, 2019

Application Due Date: April 03, 2019 @ 2:00 PM EST

Primary Designated Contact:
Matt Courcelle
Phone: (518) 457-9022
Matthew.Courcelle@ovs.ny.gov

Alternate Contact:
Paula Randolph
Phone: (518) 457-3431
Paula.Randolph@ovs.ny.gov

***** LATE APPLICATIONS WILL NOT BE ACCEPTED*****

Table of Contents

Page

1. INTRODUCTION	4
1.1 Overview	4
1.2 Summary	4
1.3 Mandatory Applicant Qualifications	5
1.4 Key Events	5
1.5 Glossary of Terms	5
2. SCOPE OF WORK	7
2.1 Eligibility	7
2.2 Program Requirements	8
3. SUBMITTING YOUR APPLICATION	10
3.1 Grants Gateway	10
3.2 Pre-Qualification	10
3.3 Online Application	12
3.4 Workplan Overview	12
3.4.1 Required Workplan Objective	13
3.5 Budget Overview	13
3.6 Pre-Submission Uploads	15
4. EVALUATION AND SELECTION PROCESS	17
4.1 Application Evaluation	17
4.1.1 Evaluation of Applications	19
4.1.2 Tie Breaker	20
4.2 Notification of Award	21
5. ADMINISTRATIVE INFORMATION	22
5.1 Administering Agency	22
5.2 Method of Award	22
5.3 Funding	22
5.4 Funding Purpose	22
5.5 Funding Priorities	24
5.6 Geographic Priority	25
5.7 Term of Contract	25
5.8 Termination	25
5.9 Distribution of Grant Funds	25
5.10 Grant Funding Conditions	26
5.11 Order of Precedence	26
5.12 Grant Recipient Responsibilities	26
5.13 Liability	26
5.14 OVS Inventory	26
5.15 Other Considerations	27
5.16 Special Conditions	27
5.17 Freedom of Information (FOIL)	27
5.18 Debriefing Procedures	27
5.19 Protest Procedures	27
5.20 Agreement Approval	28
5.21 Appropriation and Availability of Funds	28
5.22 Agreement Changes	28
5.23 Periodic Review	28
5.24 Contract Management	29
5.25 Payments	29
5.26 Evaluation Plans	29

5.7 Reporting Requirements	29
5.28 New York State Charities Bureau Registration	30
5.29 Federal Conditions	30
5.30 Required Information Assurances	30
5.31 Minority and Woman-Owned Business Enterprise Requirements	31
6. APPLICATION SUBMISSION	34
6.1 RFA Questions and Clarifications	34
6.1.1 Applicant's Conference/Webinar	34
6.2 Insurance Requirements	34
6.3 Application Preparation	35
6.4 Instructions for Application Submission	35
7. CONTRACT CLAUSES AND REQUIREMENTS	36
7.1 Contract Terms	36
7.2 Indemnification	36
8. OTHER IMPORTANT REQUIREMENTS FOR FUNDING	37

Designated Contact

Matt Courcelle, Contract Management Specialist 2, NYS Office of Victim Services, has been designated as the PRIMARY contact for this procurement solicitation and may be reached by email or voice for all inquiries regarding this solicitation.

Matt Courcelle, Contract Management Specialist 2
NYS Office of Victim Services
Alfred E. Smith Building, 2nd Floor
80 S. Swan Street
Albany, New York 12210
Voice: 1-518-457-9022
Email: Matthew.Courcelle@ovs.ny.gov

In the event the designated contact is not available; the alternate designated contact is:

Paula Randolph, Contract Management Specialist 2
NYS Office of Victim Services
Alfred E. Smith Building, 2nd Floor
80 S. Swan Street
Albany, New York 12210
Voice: 1-518-457-3431
Email: Paula.Randolph@ovs.ny.gov

1. INTRODUCTION

1.1 Overview

This Request for Applications outlines how to apply for funding to support direct services that meet the immediate and long-term needs of crime victims under the Victims of Crime Act (VOCA) Victim and Witness Assistance Grant Program. Contracts resulting from this procurement will be in effect for three years with the option of one two-year renewal period. Applicants are expected to have read and understood the VOCA statute and regulations before applying under this RFA. In addition to the program eligibility requirements stated in the Act, the Department of Justice has issued Regulations to implement the VOCA funds. A complete copy of the Federal Register/Rules and Regulations is available at <https://www.gpo.gov/fdsys/pkg/FR-2016-07-08/pdf/2016-16085.pdf>. Additionally, a copy of the Side-by-Side Comparison of the VOCA Victim Assistance Guidelines and Rule is available at <https://ovs.ny.gov/sites/default/files/advisory-bulletin/voca-comparison.pdf>.

These grants are funded by the federal Victims of Crime Act of 1984 which supports both victim compensation and victim assistance programs in each state. VOCA funds are administered by the Department of Justice.

Please note: the VOCA Victim and Witness Assistance Grant Program is intended to complement program budgets and should not be considered as a principal source of funding for any organization. VOCA stipulates that the federal funds may not be used by grantee agencies to supplant (i.e., replace) state or local funds. A program receiving a grant may use the funds only to support the services and costs identified in its application and only to the extent these are approved by the Office of Victim Services (OVS) and are allowable within the Federal Register/Rules and Regulations and as further defined by VOCA and the State Administering Agency (SAA).

1.2 Summary

This OVS RFA provides an expanded opportunity for victim service providers to respond to the challenge of finding new solutions for serving victims of crime, developing innovative and comprehensive ways of meeting their needs and reaching underserved populations. OVS recognizes that the field of crime victim services continues to evolve, and since the issuance of OVS' last RFA, many costs that were previously unallowable are now allowable under VOCA.

There continues to be a need to expand the base of knowledge concerning victims' services including statistical data, multi-disciplinary cooperation, evidence-based practices and program evaluation. Evidence-based practice refers to having a definable outcome that is measurable, practical, tested and proven effective. Additionally, we need to not only continue to serve those victims who we are aware of, but also find ways to identify those victims who are not reporting crimes or seeking our services.

OVS encourages innovation in the victim assistance field and supports ways to generate new ideas and new evidence of effectiveness that can add to the body of knowledge about what

practices are effective for victim services. Focus must be on where the greatest needs are and importantly, where the gaps in knowledge exist. We need to be creative, curious and willing to test assumptions. Do you have a proposal that is a new, or different and effective approach to solving an issue facing crime victims. Services such as restorative justice, transitional housing, human trafficking and trauma- informed care are but a few of the programs that have potential to assist innocent victims of crime. Perhaps your program seeks to enhance services to underserved, marginalized or oppressed populations such as older adults, young men of color, persons with disabilities, indigenous peoples or LGBTQ+ victims. This funding presents a unique opportunity to explore those options.

1.3 Mandatory Applicant Qualifications

This solicitation is limited to victim assistance programs. These programs can be new or existing, operated by either a unit of state or local government or a non-profit corporation.

1.4 Key Events

The Table below outlines the tentative schedule for important action dates.

Action	Date
RFA Release Date:	January 16, 2019
Applicants Conference:	January 30, 2019
Deadline for Submission of Questions:	February 7, 2019
Response to Questions:	February 20, 2019
Application Due Date:	April 03, 2019, 2:00pm EST
Anticipated Notification of Awards:	June 5, 2019
Contract Start Date:	October 1, 2019

1.5 Glossary of Terms

“Administering Agency” shall mean the NYS Office of Victim Services.

“Applicant” or **“Offerer”** shall mean any not-for-profit or government entity submitting an application to the State pursuant to this solicitation.

“Application” shall mean any submission in response to this solicitation.

“Director” shall mean the Director of the NYS Office of Victim Services or duly authorized representative.

“Evaluators” shall mean the individual(s) who review(s) applications for NYS OVS funding.

“Grant Recipient” shall mean a successful applicant awarded a contract pursuant to this solicitation.

“OAG” shall mean the New York State Office of the Attorney General.

“OSC” shall mean the Office of the New York State Comptroller.

“OVS” shall mean the New York State Office of Victim Services.

“Request for Application”, “RFA”, or “Solicitation” shall mean this document.

The **“State”** shall mean the People of the State of New York, which shall also mean the New York State Office of Victim Services.

“State Administering Agency” shall mean the state government agency that a formula grant was awarded to. These state government agencies then set priorities and allocate funds within that state.

“Sub-Recipient” shall mean organizations receiving funding from NYS OVS.

“VAP” shall mean Victim Assistance Program.

2. SCOPE OF WORK

2.1 Eligibility

All victim service providers located in New York State are eligible to apply under this RFA. A victim assistance program can be a new or existing program, operated by either a unit of state or local government or a non-profit corporation. Previously awarded programs are not guaranteed an award under this procurement.

The primary mission of Victim of Crime Act (VOCA) funds is to provide direct services to crime victims. These may include, but are not limited to, sexual assault crisis centers, domestic violence shelters, child abuse treatment facilities and community-based victim service organizations.

Other public and non-profit organizations that have components which offer services to crime victims are eligible to receive VOCA funds if they are used to expand or enhance the delivery of crime victim services. These include but are not limited to:

- **Criminal Justice Agencies:** police departments, prosecutor's offices, corrections departments, probation and parole authorities. Some examples include:
 - Prosecutor-based victim services such as victim-witness programs, victim notification, court accompaniment, and assisting with victim impact statements for court.
 - Corrections-based services such as victim notification, restitution advocacy, victim-offender mediation programs, and victim impact panels.
 - Police-based services such as victim crisis units, victim advocates, victim registration and notification. VOCA funds may be used to provide crime victim services that exceed a law enforcement officer's normal duties. *Regular duties such as crime scene intervention, questioning of victims and witnesses, investigation of crime and follow-up shall not be paid with VOCA funds.*

- **Religiously-Affiliated**
These organizations must ensure that services are offered to **all** victims of crime without regard to religious affiliation and that the receipt of services is not contingent upon participation in a religious activity or event.

- **Hospitals and Emergency Medical Facilities**
Eligible services include crisis counseling, support groups, and/or other types of victim services such as trauma-informed mental health services.

OVS may only award VOCA funds to a medical facility for the purpose of performing **forensic rape exams (FRE)** on sexual assault victims if (1) the examination meets the standards established by the state; and (2) appropriate crisis counseling and/or other type of victim services are offered to the victim in conjunction with the examination; and (3) are encouraged to

use specialty trained examiners such as Sexual Assault Nurse Examiner's (SANE).

- **Native American Tribes and Organizations on Reservations**

A federally recognized tribe is an American Indian or Alaska Native tribal entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation, and is eligible for funding and services from the Bureau of Indian Affairs.

- **Other**

State and local public agencies such as mental health service organizations, state/local public child and adult protective services, state agency grantees, not-for-profit legal services agencies and programs with a demonstrated history of advocacy on behalf of domestic violence victims, and public housing authorities that have components specifically trained to serve crime victims.

***Please note that victim assistance programs who were awarded funding under OVS' recent "Attorney Services RFA" are not eligible to apply for funding for additional attorney services without substantial justification as to why the additional funding is being sought.**

2.2 Program Requirements

Data Universal Numbering System (DUNS)

In accordance with the supplement to the Office of Management and Budget (OMB) Circular A-133, subrecipients must obtain a Data Universal Numbering System (DUNS) as part of eligibility for a sub-award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and subrecipients. Obtaining a DUNS number is a free, one-time activity. Obtain a DUNS number by calling Dun and Bradstreet at 1-866-705-5711 or by applying online at www.dnb.com. A DUNS number is usually received within 1-2 business days.

Civil Rights Compliance

All recipients of federal grant funds are required to comply with nondiscrimination requirements contained in various federal laws. In the event that a court or administrative agency makes a finding of discrimination on grounds of race, color, religion, national origin, gender, disability or age against a recipient of funds after a due process hearing, the recipient must agree to forward a copy of the finding to the Office for Civil Rights of the Department of Justice's Office of Justice Programs.

Services to Limited-English-Proficient (LEP) Persons

National origin discrimination includes discrimination on the basis of Limited English Proficiency (LEP). To ensure compliance with Title VI of the Civil Rights Act and the Omnibus Crime Control and Safe Streets Act, grant recipients are required to take

reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including interpretation and translation services, where necessary. Applicants are encouraged to consider the need for language services for LEP persons served or encountered both in developing their proposals and budgets and in conducting their programs and activities. Reasonable costs associated with providing meaningful access for LEP individuals are considered allowable program costs.

3. SUBMITTING YOUR APPLICATION

3.1 Grants Gateway

All submissions must be submitted through Grants Gateway at <https://grantsgateway.ny.gov/> and received electronically by 2:00 p.m. EST on April 03, 2019.

PLEASE NOTE: *It is recommended that you complete your online application as early as possible prior to the application deadline to allow sufficient time to resolve unforeseen technical issues or questions that may arise. Eligible applicants are encouraged to begin the process of applying as soon as possible. Late filings will not be accepted or reviewed. Timing of application submission is recorded via Grants Gateway and is a system-generated time stamp. Applicants will be considered either timely or late based on the system-generated time stamp. OVS has no discretion in this matter. Applicants are strongly encouraged to submit their on-line application well in advance of the deadline.*

3.2 Pre-Qualification for Not-for-Profit Organizations

Not-for-profit organizations must ensure that their prequalification status is current at the time of application due date. Failure to do so will mean that their applications will not be reviewed and will be disqualified. Not-for-profit organizations must maintain their pre-qualification status on a yearly basis by providing up-to-date IRS 900, CHAR 500 and audit review documents.

Additional helpful information and links can be found at:	
➤ Gateway Applicant Resources: https://grantsmanagement.ny.gov/resources-grant-applicants	
➤ Vendor User Guide: https://grantsmanagement.ny.gov/system/files/documents/2018/11/vendor-user-manual-final.pdf	
➤ Grants Opportunities Homepage: https://grantsmanagement.ny.gov	
➤ Grants Reform Videos (includes a document vault tutorial and an application tutorial) on YouTube: http://www.youtube.com/channel/UCYnWskVc7B3ajjOVfOHL6UA	
➤ Grants Reform (Grants Gateway) Helpdesk/Technical Questions.	
	<ul style="list-style-type: none">• Phone: 1-518-474-5595• Email: grantsgateway@its.ny.gov
➤ Training Webinars: https://grantsmanagement.ny.gov/live-webinars	

PLEASE NOTE: Although OVS and the Grants Gateway staff will do their best to address concerns that are identified less than 48 hours prior to the due date and time, there is no guarantee that they will be resolved in time for the application to be submitted and, therefore, considered for funding.

During the application process, please pay particular attention to the following:

- Not-for-profit applicants must be prequalified on the due date for this application submission. Be sure to maintain prequalification status between funding opportunities. Three of a not-for-profit's essential financial documents - the IRS990, Financial Statement and Charities Bureau filing - expire on an annual basis. If these documents are allowed to expire, the not-for-profit's prequalification status expires as well, and it will not be eligible for State grant funding until its documentation is updated and approved, and prequalified status is reinstated.
- Only individuals with the roles "Grantee Contract Signatory" or "Grantee System Administrator" can submit an application.
- Prior to submission, the system will automatically initiate a global error checking process to protect against incomplete applications. An applicant may need to attend to certain parts of the application prior to being able to submit the application successfully. Be sure to allow time after pressing the submit button to clean up any global errors that may arise. You can also run the global error check at any time in the application process (see p.63 of the Vendor User Manual).
- Grantees should use numbers, letters and underscores when naming their uploaded files. There cannot be any special characters in the uploaded file name. Also, be aware of the restriction on file size (10 MB) when uploading documents. Grantees should ensure that any attachments uploaded with their application are not "protected" or "pass-warded" documents.

The following table will provide a snapshot of which roles are allowed to Initiate, Complete, and Submit the Grant Application(s) in the Grants Gateway.

Role	Create and Maintain user Role	Initiate Application	Complete Application	Submit Application	View Application/ Contract/ Payments
Grantee Delegated Administrator	✓				✓
Grantee		✓	✓		✓
Grantee Contract Signatory		✓	✓	✓	✓
Grantee Payment Signatory		✓	✓		✓
Grantee System Administrator		✓	✓	✓	✓
Grantee View Only					✓

3.3 On-line Application

Receipt of an application does not indicate that OVS has pre-determined a program's qualifications to receive a grant award. Such determination will be made only after a complete evaluation of the application compared to specific requirements and qualifications in this RFA and ranked by a final score.

Applicants are encouraged to include all information that they deem pertinent to their application. Applicants may be requested to provide clarification based on the State's evaluation procedure. Any clarification will be considered a formal part of the Applicant's original application. If further clarification is needed during the evaluation period, OVS will contact the Applicant.

Note: OVS reserves the right to request any additional information deemed necessary to ensure that the Applicant is able to fulfill the requirements of the contract.

3.4 Workplan Overview

Applicants must submit one detailed narrative that contains all of the following information in the Project Summary section of the Grants Gateway:

- **Problem Statement**

Applicants should demonstrate the need for services at all locations for which they are requested. Gaps in services should be convincingly identified using examples of current problems which illustrate the need for services while being sure to protect victim confidentiality. Applicants are encouraged to show how the lack of coordinated services presents undue constraints on VAPs in achieving their goals to assist victims. Strong applicants will persuasively describe what is preventing them from providing the best possible services and how this grant funding will continue or enhance services. Applicants should include all crime or other data that is being used to demonstrate need.

- **Proposed Services and Implementation**

Applicants must describe the services and activities to be undertaken with grant dollars, where and when they will take place and who will be served. How these services and activities address the gap in services described in the problem statement should be clearly explained; those applicants that convincingly demonstrate how the proposed services will address the need and gaps in services will be rated highly. Justification for staff and resources should be convincing. This portion of the application should be consistent with the information entered into Attachment C-1, Performance Measurement Tool.

- **Organizational Capacity**

Provide a description of the organization, explaining the applicant's experience in providing direct services to victims. Applicants should demonstrate their record of providing direct services to victims, state where services are provided, the scope of services, staffing and resources available to the victim population and current collaborative efforts with other community organizations and agencies that are in support of their programs. Strong applicants will describe

how they promote, within the community, coordinated public and private efforts to assist victims.

- **Program Evaluation**

All applicants must demonstrate the use of an evaluation process that they will use to measure the effectiveness of their program. The evaluation should be structured to address program specific objectives and goals and determine the extent to which they are being achieved. Evaluations should be used to continuously make any needed adjustments to meet the overall outcome that is being sought through their program. Please note that while VOCA funds can be used for the cost of the project evaluation component and that programs can decide which form of evaluation they prefer to use, research and studies, except for the project evaluation, are prohibited.

3.4.1 Required Workplan Objective

All applicants must provide a response for the one required objective and task that is listed in the "Workplan Properties" Section. This figure should match the figure provided in the Performance Measurement Tool Form:

- **Provide assistance in completing a victim compensation application.**

Please note that applicants providing services which permit a victim or person related to a victim to access information related to important dates and developments relating to criminal proceedings at issue in a timely and efficient manner pursuant to 42 U.S.C. § 10603e will be exempted from this mandatory objective.

3.5 Budget Overview

Applicants must submit a budget and narrative for each budget category used in the Expenditure Budget section of the Grants Gateway:

- **Project Budget and Narrative**

- Using the forms provided in the on-line application, prepare a detailed proposed budget and narrative of annual program costs for the first year for each budget category used. Ensure that sufficient details are provided, that the budget is reasonable, appropriate for the number of positions to be funded and in compliance with funding restrictions and limitations noted elsewhere in this RFA. The workplan and budget (including narrative) should be tied together in such a way that the funding request is supported by the workplan and justified through the narrative.
- Applicants are reminded that VOCA funds are primarily designed to support direct services to crime victims. Funds may be used to support administrative costs but applicants are encouraged to keep administrative costs to a minimum.

Applicants must upload an excel spreadsheet containing the second-year and third-year budgets in the grants gateway. This document can be found under the pre-submission uploads on page #14.

- **Matching Funds and Policies**

- Applicants, other than Native American programs as defined in section 2.1, must provide **match from non-federal sources**, the amount of match must be either 20% of the project total, or 25% of the total grants funds. (For Native American tribes or organizations on reservations, there is no matching requirement.) This may be an in-kind contribution, cash contributions or a combination of both. This matching of funds is known as cost sharing and represents the portion of the proposed project costs not borne by the federal government.
- Applicants are required to demonstrate a record of providing effective services to crime victims. This includes having the support and approval of its services by the community, a history of providing direct services in a cost-effective manner, and financial support from other sources.
- All new applicants (defined as victim assistance programs that cannot demonstrate a record of providing victim services and are not current OVS contract holders), must demonstrate substantial financial support from sources other than the Crime Victims Fund. This can be demonstrated when at least 25% of the program's funding in the year of, or the year preceding the award, comes from sources other than the Crime Victims Fund, which may include other federal funding programs.
- Matching funds may only be used for VOCA-allowable purposes. All funds designated as match must be expended within each annual contract period. Applicants should avoid committing more than the required match to the VOCA-funded project. Be careful that match funds you are using for another grant are not also being used as match for this grant.
- Match is calculated by taking the VOCA award, dividing by .80 and subtracting the amount of the VOCA award from the figure obtained. The balance equals the required match (i.e., $\$30,000 / .8 = \$37,500$ less the $\$30,000$ award amount for a match totaling $\$7,500$).
- Cash or "third party" contributions represent an applicant's cash outlay and may include non-federal money contributed by public agencies and institutions, private organizations and individuals. In-kind contributions represent the value of non-cash contributions provided for the benefit of the VOCA-funded project such as donation of office equipment, supplies, workspace and the monetary value of volunteer time spent performing VOCA-allowable services.
- Programs that receive VOCA funds must maintain records that clearly show the source, the amount and the period during which the match was allocated. The basis for determining the value of personal services, materials, equipment and space must be documented. Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the sub-grantee for its own paid employees.

All matching contributions must be:

- Necessary and reasonable to accomplish the project's goals;
 - VOCA-allowable and in accordance with all other federal and state requirements;
 - Verifiable from the program's records;
 - Not included as a matching contribution for any other federal funds; and
 - Not derived from other federal funding sources (except as provided for in the OJP Financial Guide).
- Matching contributions need not be applied at the same exact time or in proportion to the obligation of VOCA grant funds. **However, the full matching share must be obligated within each annual contract period for which the VOCA grant funds have been made available.**
 - Failure to provide the required match may compromise a recipient's eligibility and result in suspension or termination of future grant awards.

3.6 Pre-Submission Uploads

Applicants are **REQUIRED** to complete and upload the following documents as part of the application. **Please note that the De Minimis Rate Calculation Form and the Attachment B-Budget Worksheet are only required to be uploaded if you are using these forms.**

- **Performance Measurement Tool Form/Attachment C-1:** When completing this form please indicate the anticipated number of times each task is to be performed annually. The numbers that will be provided on this form should relate back directly to the proposed services and activities as described in the Proposed Services and Implementation section in the workplan overview, Section 3.4.
- **Volunteer Form:** Use this form to show the use of a volunteer.
- **Annual Funding from All Other Sources Form:** Use this form to document and demonstrate your financial support that comes from sources other than the VOCA Crime Victims Fund.
- **Position Description Form:** All applicants must complete the position description form for the position(s) to be supported with these funds. Each position description form should clearly indicate the projected percent of time the employee is expected to perform each activity. For each position, the total percent of time must equal 100% even if the position is not entirely funded through this RFA. The Position Description Form must be uploaded into Grants Gateway. Please see the following link for the procedure for completion of the form: <https://ovs.ny.gov/sites/default/files/vap-fiscal-forms/position-description-form-pdf-sop.pdf>.
- **Futurefunding.xls:** An excel spreadsheet with two tabs that explains years' 2 and 3 budgets are required and must be uploaded into Grants Gateway.
- **De Minimis Rate Calculation Form:** An Excel spreadsheet to show your de minimis calculation and to certify that you have NEVER had a negotiated federal cost rate and

that you will apply the de minimis rate to all of your federal grants, not just the grant received from the Office for Victims Services, until such time as the agency chooses to negotiate for a rate. **This is only applicable if you are using this form.**

- **Program Information Form:** All applicants must complete the Program Information Form which gathers all required program specific information.
- **Letter of Certification Form:** All applicants must complete the Letter of Certification which certifies that they have implemented a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment prevention training to all of its employees.
- **Priorities Category Form/Attachment 2:** All applicants must complete the Attachment 2: Priorities Categories form that shows the % of funds that your organization anticipates serving to each priority category(s) of the crime victim population from this grant award, as listed in the RFA. The total of the percentages entered must equal 100%.
- **Budget Worksheet/Attachment B:** Use these forms to document fringe rates, space and phone costs. This is only applicable if you're using this form.
- **Attachment 1 – Application Checklist:** This form is included to ensure that the applicant has included all required documents.

4. EVALUATION AND SELECTION PROCESS

4.1 Application Evaluation

The Application will be evaluated and scored based upon the criteria set forth in this Section. Applications will be evaluated for best value to the State.

There will be a two-step evaluation of each application after the Grants Gateway System automatically screens for the information below. Applicants will not be able to submit an application if these conditions have not been satisfied:

- Application was submitted on time. **The deadline for application submission is 2:00 pm EST on April 03, 2019.**
- The applicant is an eligible organization as described in Section 2.1.
- The applicant has submitted all required responses to the application questions.

Pass/Fail Evaluation

This evaluation will assess whether applications satisfy the minimum “pass/fail” criteria for funding consideration. All applications will initially be screened by OVS reviewers to see if all required materials are submitted and if all pass/fail checks have been successful. Any application that does not meet each of the following criteria will be immediately disqualified from further review.

- The application is complete when it includes:
 - Work Plan Overview Section
 - Problem Statement
 - Proposed Services & Implementation
 - Organizational Capacity
 - Program Evaluation
 - Project Budget with Narrative Section
- Prequalification in Grants Gateway (Remember: Not-for-Profit applicants **must** be prequalified at the time of the application due date).
- **Performance Measures:** When completing this form please indicate the anticipated number of times each task is to be performed annually. **(Applicants must complete and upload the “Performance Measurement Tool Form/Attachment C-1” into Grants Gateway as part of the on-line application to document the anticipated number of services provided annually.)**
- Per VOCA regulations, all successful applicants must demonstrate that they use at least (1) volunteer in their agency. **(Applicants must complete and upload the “Volunteer Form” into Grants Gateway as part of the on-line application to document use of volunteers.)**

- All successful applicants must demonstrate financial support from sources other than the Office of Victim Services. **(Applicants must complete and upload the “Annual Funding from All Other Sources” Form into Grants Gateway as part of the on-line application to document other financial support).**
- However, all **new** applicants (defined as applicants that are not a current OVS contract holder), that have not yet demonstrated a record of providing services may be eligible to receive VOCA funding, if they can demonstrate that 25% of their program’s funding in the year of, or the year preceding the award, comes from sources other than the Crime Victims Fund, which may include other federal funding programs. **(Applicants must complete and upload the “Annual Funding from All Other Sources” Form into Grants Gateway as part of the on-line application to document other financial support).**
- **Position Description Form:** All applicants must complete the position description form for the position(s) to be supported with these funds. Each position description form should clearly indicate the projected percent of time the employee is expected to perform each activity. For each position, the total percent of time must equal 100% even if the position is not entirely funded through this RFA. **(Applicants must complete and upload the Position Description Form into Grants Gateway as part of the on-line application to document the projected percent of time the employee is expected to perform each activity.)**
- **Futurefunding.xls:** An excel spreadsheet with two tabs that explains years’ 2 and 3 budgets is required. **(Applicants must complete and upload the Future Funding Form into the Grants Gateway as part of the on-line application to document requests for future funding.)**
- **Please note that the De Minimis Rate Calculation Form is required to be uploaded if you are using the De Minimis Rate.**

De Minimis Rate Calculation Form:

An Excel spreadsheet to show your De Minimis calculation and to certify that you have NEVER had a negotiated federal cost rate and that you will apply the de minimis rate to all of your federal grants, not just the grant received from the Office for Victims Services, until such time as the agency chooses to negotiate for a rate. This is only applicable if your using this form.

- **Program Information Form:** All applicants must complete the Program Information Form which gathers all required program specific information. **(Applicants must complete and upload the “Program Information Form” into Grants Gateway as part of the on-line application).**
- **Letter of Certification Form:** All applicants must complete the Letter of Certification which certifies that they have implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. **(Applicants must complete and upload the “Letter of Certification Form” into Grants Gateway as part of the on-line application).**
- **Priorities Category Form/Attachment 2:** All applicants must complete the Attachment 2:

Priorities Categories form that shows the % of funds from the proposed year 1 budget that your organization anticipates allocating to providing services to each priority category(s) of the crime victim population as listed in the RFA. **(Applicants must complete and upload the “Priorities Category Form/Attachment 2” into Grants Gateway as part of the on-line application).**

- **Budget Worksheet/Attachment B:** Use these forms to document fringe rates, space and phone costs. This is only applicable if your using this form.

All applications that satisfy the pass/fail check will proceed to be reviewed by a panel of reviewers. Each application will be reviewed by 2 individuals. A standard rating tool will be used by all reviewers to score each application. The maximum score will be 50 points prior to applying the weighted score. Each category (Problem Statement, Proposed Services and Implementation, Organizational Capacity, Program Evaluation and Budget with narrative) within an application will be scored and those category scores will be totaled for a combined overall score. The final score will be an average of the 2 reviewers' scores. Scores will then be weighted by factors assigned to priority categories until a VOCA mandated 10% allocation has been met for each priority category. There are 4 VOCA required allocations, and each VOCA award must allocate 10% of each award for each of the following categories: Child Abuse, Sexual Assault, Domestic Violence and Underserved. Eligible applications will be ranked in order of overall weighted score from highest to lowest. Awards will be made to those applications receiving the highest final weighted scores until VOCA mandated 10% allocations have been met for each priority category. If there are insufficient funding requests to meet a particular VOCA priority category 10% allocation, those funds will be distributed until funds are exhausted or all successful applications are funded.

4.1.1 Evaluation of Applications

1. **Problem Statement (10%):** Applicants should demonstrate the need for services at all locations for which they are requested. Gaps in services should be convincingly identified using examples of current problems which illustrate the need for services while being sure to protect victim confidentiality. Applicants are encouraged to show how the lack of coordinated services presents undue constraints on VAPs in achieving their goals to assist victims. Strong applicants will persuasively describe what is preventing them from providing the best possible services and how this grant funding will enhance services.
2. **Proposed Services and Implementation (40%):**
Applicants should describe the services and activities to be undertaken with grant dollars, where and when they will take place and who will be served. How these services and activities address the gap in services described in the problem statement should be clearly explained; those applicants that convincingly demonstrate how the proposed services will address the need and gaps in services will be rated highly. Justification for staff and resources should be convincing. Proposed services should be aligned with the tasks documented in the Performance Measurement Tool/Attachment C-1.

3. Organizational capacity (20%):

Provide a description of the organization, explaining the applicant's experience in providing direct services to victims. Applicants should demonstrate their record of providing direct services to victims, state where services are provided, the scope of services, staffing and resources available to the victim population and current collaborative efforts with other community organizations that are in support of their programs. Strong applicants will describe how they promote, within the community, coordinated public and private efforts to assist victims.

4. Program Evaluation (10%):

All applicants must demonstrate the use of an evaluation process that they use or will use to measure the effectiveness of their program. The evaluation should be structured to address specific program objectives and goals and determine the extent to which they are being achieved. Evaluations should be used to continuously make any needed adjustments to meet the overall outcome that is being sought through their program.

5. Budget, including Budget Narrative (20%)

Using the forms provided in the on-line application, prepare a detailed proposed budget and narrative of annual program costs for the first year for each budget category used. Ensure that sufficient details are provided, that the budget is reasonable, appropriate for the number of positions to be funded and in compliance with funding restrictions and limitations noted elsewhere in this RFA. The workplan and budget (including narrative) should be tied together in such a way that the funding request is supported by the workplan and justified through the narrative. All budget forms must include the required proposed match component for the applicable period and the budget forms must show where the required match will be provided. Failure to demonstrate that the match requirement has been met for year one will negatively impact your budget score. While OVS allows applicants to request funds for administration costs associated with operating their program, applicants are reminded that VOCA funds are primarily designed to support direct services to crime victims. Administrative costs, therefore, should be kept to a minimum. Applications that include reasonable and justifiable administrative costs will be scored more favorably in the budget and budget narrative portion of the evaluation.

Applicants must upload an excel spreadsheet containing the second-year and third-year budgets. These forms must include the required proposed match component for the applicable period. This document (futurefunding.xls) can be found under the pre-submission uploads in the Grants Gateway.

4.1.2 Tie Breaker

In the event that two or more of the applications have a tied score after final calculation of all categories, the application with the higher score in "Proposed Services &

Implementation" will prevail. If the scores still remain tied, the second tie breaker will be the applicant with the highest score in the "Organizational Capacity" category.

4.2 Notification of Award

After the evaluation, all Applicants will be notified of awards and for successful candidates, that a contract will be forthcoming for execution. The original application and any additions or deletions to the application become part of the contract.

Public announcements or news releases pertaining to any contract resulting from this solicitation shall not be made without prior written approval from the Administering Agency.

5. ADMINISTRATIVE INFORMATION

5.1 Administering Agency

The Office of Victim Services (OVS) is the administering agency for the State of New York through which VOCA Victim and Witness Assistance Program Grants are awarded across the State. The mission of OVS is to (1) provide compensation to innocent victims of crime in a timely, efficient, and compassionate manner; (2) fund direct services to crime victims via a network of community-based programs; and (3) advocate for the rights and benefits of all innocent victims of crime.

5.2 Method of Award

This is a multiple award solicitation.

Each response will be evaluated based on the information submitted by the applicant connected to the categories referenced in section 4.1.1.

Upon determination of the best value applicants, a Grant Contract Agreement will be completed. This contract will be executed via the Grants Gateway to be forwarded for all necessary signatures and State approvals. Upon final approval, a fully executed copy will be available to the grant recipient via the Grants Gateway.

Awards may be made until all designated funds of \$195,000,000 for the three-year period have been exhausted.

5.3 Funding

All Agreements and funding are subject to the availability of funds. Funding is not guaranteed. Modifications or additional requirements may be imposed during the Agreement period. The primary source of VOCA funding is the Federal Crime Victims Fund which is largely funded from offender-generated revenues, such as criminal fines, fees, surcharges and forfeited bail bonds, etc. This revenue source does not guarantee a consistent funding level year-to-year and cannot be considered automatically renewable from one year to the next. OVS is, however, committed to sustaining grant-funding levels contingent upon adequate federal and state budget appropriations.

Federal funding under the first two years of the contract will likely be as follows:

- October 1, 2019 – September 30, 2020 2017-VA-GX-0047
- October 1, 2020 – September 30, 2021 2018-V2-GX-0047
- October 1, 2021 – September 30, 2022 Pending Federal Notification

5.4 Funding Purpose

The primary purpose of the VOCA Victim and Witness Assistance Grant Program is to support direct services that respond to the immediate needs of crime victims. The Program also allows

limited funding for other related allowable services and activities that are not considered direct services, but are essential to ensuring the delivery of quality direct services.

Direct Services may include but are not limited to:

- Crisis intervention services that meet urgent emotional, psychological or physical needs of crime victims (e.g., 24- hour hotline); crisis intervention services; accompanying victims to hospitals for medical examinations; hotline counseling; safety planning;
- Emergency food, shelter, clothing, transportation for victims to receive services and to participate in criminal justice proceedings or legal assistance to file for restraining orders; certain short-term in-home care and supervision services; certain short-term nursing-home, adult foster care or group-home placement; window, door or lock replacement or repair to ensure a victim's safety;
- Support services including reassurance, personal advocacy and emotional support, case management, traditional, cultural, and/or alternative therapy/healing, mental health counseling and care, peer support, guidance and help resolving practical problems created by victimization; interacting on victim's behalf with other social services, legal and criminal justice agencies; assistance in the swift return of property being kept by police as evidence; language interpretation, when needed; intervention, as appropriate, with landlords or employers; and referral to other sources of assistance as needed;
- Court-related services that assist crime victims in participating in criminal justice proceedings including transportation to court, interpreter services, accompaniment to court and child care;
- Legal Services including but not limited to divorce, custody and support proceedings;
- Forensic Medical Exams and Interviews;
- Public Awareness presentations that are made in schools, community centers or other public forums, and that are designed to identify crime victims and provide or refer them to needed services;
- Transitional housing for victims who cannot safely return to their previous housing due to the circumstances of their victimization;
- Relocation expenses including but not limited to reasonable moving expenses, security deposits on housing, rental expenses and utility start-up costs.

Activities Supporting Direct Services may include but are not limited to:

- Coordination of activities that facilitate the provision of direct services such as activities that include, but are not limited to: State-wide coordination of victim notification systems, crisis response teams, multi-disciplinary teams, coalitions to support and assist victims, and such other programs, and salaries and expenses of such coordination;
- Supervision of direct service providers allows for the payment of salaries and expenses of supervisory staff in a project, when the SAA determines that such staff are necessary and effectively facilitate the provision of direct services;
- Multi-System, Interagency, and Multi-Disciplinary Response to Crime Victims

Needs. Activities that support a coordinated and comprehensive response to crime victims needs by direct service providers, including, but not limited to, payment of salaries and expenses of direct service staff serving on child and adult abuse multi-disciplinary investigation and treatment teams, coordination with federal agencies to provide services to victims of federal crimes and/or participation on Statewide or other task forces, work groups, and committees to develop protocols, interagency, and other working agreements;

- Contracts for Professional Services which include contracts for specialized professional services (e.g., psychological/psychiatric consultation, legal services, interpreters), at a rate not to exceed a reasonable market rate, that are not available within the organization;
- Automated Systems and Technology;
- Volunteer Trainings: permits activities in support of training volunteers on how to provide direct services when such services will be provided primarily by volunteers;
- Restorative Justice allows for opportunities for crime victims to meet with perpetrators, if such meetings are requested or voluntarily agreed to by the victim and have possible beneficial or therapeutic value to the victim.

Allowable Sub-Recipient Administrative Costs:

- Personnel Costs, skills training for staff, training-related travel, organizational expenses, equipment and furniture, leasing or purchasing vehicles, maintenance repair or replacement of essential items, project evaluation;
- Operating Costs include but are not limited to: supplies, equipment use fees, property insurance, printing, photocopying, and postage, courier service, brochures that describe available services, books and other victim-related materials, computer backup files/tapes and storage, security systems, design and maintenance of websites and social media; and essential communication services, such as web hosts and mobile device services.
- VOCA Administrative Time allows for costs of administrative time spent performing the following:
 - Completing VOCA-required time and attendance sheets and programmatic documentation, reports, and statistics;
 - Collecting and maintaining crime-victims' records;
 - Conducting victim satisfaction surveys and needs assessments to improve victim services delivery in the project; and
 - Funding the prorated share of audit costs.

5.5 Funding Priorities

VOCA Guidelines require that New York State allocate at least 10% of each federal VOCA victim and assistance grant award to each of four priority categories.

VOCA Funding Priorities

1. **Victims of Domestic Violence**
2. **Victims of Sexual Assault**
3. **Victims of Child Abuse**
4. **Underserved Victims of Crime**

Underserved victims are defined as survivors of homicide victims, victims of assault, robbery, gang violence, hate or bias crimes, victims of DUI/DWI, human trafficking, elder abuse, adult survivors of child abuse, victims of arson, bullying, burglary, identity theft/fraud/financial crime, kidnapping, vehicular victimization, stalking/harassment, teen dating victimization and victims of other violent crime.

Underserved victims may be further defined by specific characteristics such as whether they are elderly, disabled, deaf/hard of hearing, homeless, immigrants, refugees, asylum seekers, LGBTQ, veterans or non-English speaking.

NOTE: Comprehensive Victim Services programs generally serve this population.

OVS defines a priority program as one whose principal mission is to offer comprehensive specialized services tailored to the special needs of the priority category of crime victims.

5.6 Geographic Need

OVS has identified a minimum need for a victim assistance program serving each of the 62 counties in New York State. **OVS is seeking to fund more than one victim assistance program in each county.**

5.7 Term of Contract

This contract will commence on October 1, 2019 and will be in effect for three (3) years with the option of one two-year renewal period.

5.8 Termination

The State of New York retains the right to cancel any resulting contract for convenience, provided that the Grant Recipient is given at least thirty (30) days written notice of OVS' intent to cancel. Any cancellation by OVS under this section shall in no event constitute or be deemed a breach of any contract resulting from this Solicitation and no liability shall be incurred by or arise against OVS, its agents and employees therefore for lost profits or any other damages resulting there from. This provision should not be understood as waiving the State's right to terminate the contract for cause or stop work immediately for unsatisfactory work, but is supplementary to that provision.

5.9 Distribution of Grant Funds

Awarded grants will be eligible to receive one 25% advance payment at the start of each FFY, if requested, and all subsequent payments will be on a quarterly reimbursement basis.

5.10 Grant Funding Conditions

Total federal funding available for the entire (3) three-year period shall not exceed \$195,000,000. These grant awards are funded by the federal Victims of Crime Act of 1984, which supports both victim compensation and victim assistance programs in each state. VOCA funds are administered by the Department of Justice. Projects will be supported with federal dollars.

All Agreements and funding are subject to the availability of funds. Funding is not guaranteed. Modifications or additional requirements may be imposed during the Agreement period, see Section 5.22 of this document.

5.11 Order of Precedence

The Order of Precedence for any Agreement resulting from this RFA is as follows:

- Master Contract
- Appendix A-1, Program Specific Requirements
- Appendix A-2, Federal Special Conditions
- Request for Applications
- Application
- Budget Form

5.12 Grant Recipient Responsibilities

The State will contract only with the successful Applicants who are the Grant Recipients. The Administering Agency considers the Grant Recipient the sole Contractor with regard to all provisions of the solicitation, and the contract resulting from the solicitation.

No subcontract entered into by the Grant Recipient shall relieve the Grant Recipient of any liabilities or obligations in this solicitation or the resultant contract. The Grant Recipient accepts full responsibility for the actions of subcontractors who carry out any of the provisions of any contract resulting from this solicitation.

All persons/contractors hired, paid and/or supervised by the Grant Recipient, shall be the Grant Recipient's employee or its subcontractor's employee and not the State's employee.

5.13 Liability

OVS shall not be held liable for any costs incurred by any party for work performed in the preparation of and production of an application or for any work performed prior to the formal execution of a contract.

5.14 OVS Inventory

Any equipment valued at \$1,000 or more purchased with funds provided by this Agreement shall be assigned a unique inventory number. OVS will provide the Recipient with inventory tags, which the Recipient must place on all equipment purchased with these funds.

5.15 Other Considerations

OVS reserves the right to:

- Reject any or all applications received with respect to this RFA;
- Make corrections to mathematical errors;
- Waive or modify minor irregularities in applications received;
- Utilize any or all ideas submitted in the applications received unless those ideas are covered by legal patent or proprietary rights;
- Request additional information as deemed necessary to more fully evaluate an application;
- Amend the program's specifications after the release of this RFA, with appropriate written notice to all potential applicants by posting amendments on the Office's web site (www.ovs.ny.gov) with the RFA;
- Select only certain portions of applications for funding;
- Make all final decisions with respect to the amount of funding and the timing of payments to be provided to an applicant; and
- Negotiate the terms of the budget.

All applications submitted in response to this RFA will become the property of the New York State Office of Victim Services.

5.16 Special Conditions

By accepting an award from OVS under this RFA, the recipient agrees to comply with all of the special conditions outlined in Attachments A-1 and A-2.

5.17 Freedom of Information (FOIL)

All applications submitted and all related Agreements and reports may be subject to disclosure under the Freedom of Information Law.

5.18 Debriefing Procedures

Pursuant to section 163(9) (c) of the State Finance Law, any non-awarded applicant may request a debriefing regarding the reasons that the Applications submitted by the applicant was not selected for award. Requests for a debriefing must be made within fifteen (15) calendar days of written notification by OVS that the Applications submitted by the applicant was not selected for award. Requests must be submitted to ovsgrants@ovs.ny.gov.

5.19 Protest Procedures

Applicants who receive a notice of non-award may protest the award decision by filing a protest with OVS. All protests must be filed within ten (10) business days of receipt of a debriefing, or ten (10) business days of receipt of the notice of non-award, whichever is later. The protest letter must be submitted to ovsgrants@ovs.ny.gov. Please include the title of this solicitation in your correspondence.

OVS will review and consider the merits of the protest and will decide whether the protest is approved or denied. The applicant will be provided with written notification of the review decision within seven (7) business days of receipt of the protest. The original protest and decision will be filed with the Office of the State Comptroller (OSC) when the contract procurement record is submitted for approval and OVS will advise OSC that a protest was filed.

5.20 Agree Approval

OVS will negotiate and develop a grant Agreement with successful applicants. The grant Agreement is subject to approval by the New York State Office of the Attorney General and the Office of the State Comptroller before grant funding may actually be disbursed. In the event that OVS and the successful applicant cannot execute an Agreement within sixty days of notification of selection of the applicant, OVS reserves the right to rescind the award and redistribute the grant funds.

5.21 Appropriation and Availability of Funds

All funded programs will be required to submit an updated annual budget, estimate of services to be rendered, objectives, and outcome performance measures before the start of each contract year. Funding for the duration of any Agreement with OVS is contingent upon New York State's Federal VOCA Victim Assistance award and appropriation by the New York State Legislature.

5.22 Agreement Changes

The State reserves the right to renegotiate the terms and conditions of the Agreement in the event applicable New York State or Federal laws, statutes, rules, regulations, policies and/or guidelines are altered from those existing at the time the Agreement is approved by the Attorney General of the State of New York and the Comptroller of the State of New York State in order to be in continuous compliance therewith. In addition, the Agreement awarded as a result of this RFA may be executed, extended, increased, decreased, terminated, renewed, amended or renegotiated at the discretion of the Director of the Office of Victim Services based on a grantee's performance, changes in project conditions or otherwise. The Agreement is subject to other amendments only upon mutual consent of the Parties, and approved by the Attorney General and Comptroller.

5.23 Periodic Review

The U.S. Department of Justice, Office of the Comptroller conducts periodic reviews of the financial policies, procedures, and records of state VOCA administrators and sub-recipient programs. Therefore, upon request, both the OVS and all VOCA funded programs must allow authorized representatives to access and examine all records, books, papers, case files, or documents related to the grant and all sub-awards. Each VOCA funded program must provide OVS access to the aforementioned documents related to any cost or activity supported, in whole or in part, by this Agreement.

5.24 Contract Management

Each VOCA funded program shall be visited a minimum of once every two years. OVS staff visiting VOCA funded programs may review documents including, but not limited to: employment records, time and attendance records, personnel activity reports, financial records, financial and audit reports, policies and procedures governing the organization and VOCA funds, programmatic records of victims' services including client case files and any other supporting documentation for costs and activities supported by VOCA funds. Each VOCA funded program must provide the OVS access to the previously referenced documents relating to any cost or activity supported, in whole or in part, by this Agreement.

5.25 Payments

Awarded projects will be eligible to receive grant funds quarterly on a reimbursement basis. Grant funds will be disbursed only after the Agreement is fully executed, i.e., has been signed by all involved parties, and approved by the Office of the Attorney General and the Office of the State Comptroller. A payment schedule will be included in Attachment D of the Master Contract.

5.26 Evaluation Plans

Grantees must comply with the development and implementation of the Evaluation Plan included in their response to the RFA. In addition to collecting the data as identified in the Evaluation Plan, the data must be analyzed and reported to OVS. The frequency with which the program will report to OVS the analysis and corresponding conclusions of the analysis will be negotiated with successful applicants. Grantees' performance will be based on Evaluation Plans and mandatory objectives. Continued funding may be impacted by grantee's performance.

5.27 Reporting Requirements

VOCA recipients are required to maintain appropriate programmatic and financial records that fully disclose the amount and disposition of VOCA funds received (i.e., daily time and attendance records specifying time devoted to specific victim services, client files); the total cost of the project; the portion of the project supplied by other sources; and other records which will facilitate an effective audit. Grant funded programs must maintain all financial records in accordance with generally accepted accounting principles (GAAP).

Failure to comply with reporting requirements may result in administrative action such as withholding of payments, modification of Agreement terms and conditions, or, termination of the Agreement.

All agency financial records and all records pertaining to services provided under the grant must be made available to the OVS or its designee upon request. Each VOCA funded program must provide the OVS access to the previously mentioned documents related to any cost or activity supported, in whole or in part, by this Agreement. Grantees must also supply OVS with reports generated from the Evaluation Plans as described within their proposal.

OVS will use this data to better evaluate the overall performance of funded victim assistance programs. Included in the measurement data will be:

- Number of OVS claim applications submitted vs. the number of OVS claim applications that were anticipated to be submitted;
- Total claim applications rejected;
- Total claim applications recovered;
- Program objectives/goals met;
- Technical site visit findings; and
- Fiscal reporting documentation.

5.28 New York State Charities Bureau Registration

All not-for-profit organizations entering into an Agreement with the State must be registered with the New York State Charities Bureau, unless a proper exemption is obtained. All applicants must, therefore, provide either:

The organization's charitable registration number; or a statement from the applicant that the organization is exempt pursuant to one of the categories indicated on the Office of Attorney General's Request for Registration Exemption (Schedule E). The statement must identify the specific category under which the charitable organization is exempt.

If you have questions regarding the statutory requirements for registration, contact the New York State Office of the Attorney General, Bureau of Charities Registration, 120 Broadway, New York, NY 10271-0332, or call (212) 416-8401, email charities.bureau@ag.ny.gov or visit their website at <http://www.charitiesnys.com/home.jsp>.

5.29 Federal Conditions

Funds for this program will be provided to OVS pursuant to an agreement with the United States Department of Justice, Office for Victims of Crime. Successful applicants will be required to comply with all applicable Federal statutes, regulations and policy requirements. A list of applicable statutes, regulations and policy requirements can be found in the Federal Register/Rules and Regulations available at: <https://www.gpo.gov/fdsys/pkg/FR-2016-07-08/pdf/2016-16085.pdf>. A summary of federal conditions can also be found in Attachment A-2 of the Master Contract in Appendix A of this RFA.

5.30 Required Information Assurances

Eligible victim assistance programs that receive OVS funding are required to:

- Maintain such data and information, submit such report(s), and take such action(s) as may be necessary to comply with the equal employment opportunity requirements of Executive Law §15-A, "Participation by Minority Group Members and Women with Respect to State Contracts" and 9 N.Y.C.R.R. Subtitle N;
- Provide the name of a civil rights contact person who has lead responsibility for ensuring that all applicable civil rights requirements are met and who will act as a liaison in civil rights matters with the U.S. Office for Civil Rights, Office of Justice Programs;

- Comply with all applicable non-discrimination requirements;
- Provide assurance that appropriate accounting, auditing, and monitoring procedures will be employed and that records will be maintained to assure fiscal control, proper management, and efficient disbursement of the VOCA victim assistance funds;
- Produce proof of Workers' Compensation and Disability Insurance in a form satisfactory to the New York State Workers' Compensation Board prior to the execution of the agreement. Please refer to the Workers' Compensation and Disability Insurance Requirements posted on the OVS website www.ovs.ny.gov under the heading of this RFA or visit the New York State Workers' Compensation Board website, www.wcb.ny.gov for more information;
- Provide signed Certifications and Assurances including: Federal Certification Regarding Debarment, Suspension, Ineligibility and Involuntary Exclusion, Certification Regarding Lobbying (for awards over \$100,000), and Drug-Free Workplace Certification (New York State agencies only);
 - Complete a Vendor Responsibility Questionnaire, or certify that the questionnaire was completed on-line if you are a not for profit organization. For more information, go to http://www.osc.state.ny.us/vendrep/login_vendors.htm;
 - Provide a DUNS (Data Universal Numbering System) number as part of your Agreement if you receive federal funding. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving Federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and sub-recipients. The DUNS number will be used throughout the grant life cycle. One can be obtained by calling 1-866-705-5711 or by applying online at <http://fedgov.dnb.com/webform>; and
- Register with the System for Award Management (SAM) if you received federal funding. SAM combines federal procurement systems and the Catalog of Federal Domestic Assistance into one system and includes the functionality from the following systems:
 - * Central Contractor Registry (CCR)
 - * Federal Agency Registration (Fedreg)
 - * Online Representations and Certifications Application
 - * Excluded Parties List System (EPLS)

Registration can be obtained at no charge by applying online at www.sam.gov.

5.31 Minority & Woman-Owned Business Enterprise Requirements

Pursuant to New York State Executive Law Article 15-A, the New York State Office of Victim Services ("OVS") recognizes its obligation to promote opportunities for maximum feasible participation of certified minority- and women-owned business enterprises and the employment of minority group members and women in the performance of OVS contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The

State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority- and women-owned business enterprises in state procurement contracting versus the number of minority and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that OVS establish goals for maximum feasible participation of New York State Certified minority- and women-owned business enterprises ("MWBE") and the employment of minority groups members and women in the performance of New York State contracts.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, the New York State Office of Victim Services hereby establishes a goal of 30% as follows:

- 1) For Not-for Profit Applicants: Eligible Expenditures include any subcontracted labor or services, equipment, materials, or any combined purchase of the foregoing under a contract awarded from this solicitation.
- 2) For-Profit and Municipality Applicants: Eligible Expenditures include the value of the budget in total.

The goal on the eligible portion of this contract will be 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs and outreach efforts to certified MWBE firms). A contractor ("Contractor") on the subject contract ("Contract") must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and Contractor agrees that OVS may withhold payment pending receipt of the required MWBE documentation. For guidance on how OVS will determine "good faith efforts" refer to 5 NYCRR §142.8.

The directory of New York State Certified MWBEs can be viewed at: <https://ny.newnycontracts.com>. The directory is found in the center of the webpage under "NYS Directory of Certified Firms" and is accessed by clicking on the link entitled "Search the Directory". Engaging with firms found in the directory with like product(s) and/or service(s) is strongly encouraged and all communication efforts and responses should be well documented.

By submitting an application, a grantee agrees to complete an MWBE Utilization plan as directed in Attachment 3 of this RFA. OVS will review the submitted MWBE Utilization Plan. If the plan is not accepted, OVS may issue a notice of deficiency. If a notice of deficiency is issued, Grantee agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt. OVS may disqualify a Grantee as being non-responsive under the following circumstances:

- a) If a Grantee fails to submit a MWBE Utilization Plan;
- b) If a Grantee fails to submit a written remedy to a notice of deficiency;

- c) If a Grantee fails to submit a request for waiver (if applicable); or
- d) If OVS determines that the Grantee has failed to document good-faith efforts to meet the established OVS MWBE participation goals for the procurement.

In addition, successful awardees will be required to certify they have an acceptable Equal Employment Opportunity policy statement.

6. APPLICATION SUBMISSION

6.1 RFA Questions and Clarifications

All questions about the requirements contained in this RFA must be submitted via email by February 7th, 2019 to:

ovsgrants@ovs.ny.gov

A list of questions about the RFA which are received from potential applicants, answers to those questions, as well as any changes, additions, or deletions to the RFA, will be posted at <https://ovs.ny.gov/victim-assistance-program> under the heading "2019 RFA", along with the electronic version of this RFA, no later than 5:00 p.m. EST on February 20th, 2019.

Applicants are urged to check the OVS website frequently during this application period for notices of any changes, additions, deletions or updates regarding the RFA.

All questions should cite the particular page and section where applicable. Please submit questions as early as possible following receipt of the RFA. The final deadline for submission of any questions/clarifications regarding this RFA is listed in Section 1.4 – Key Events.

Questions received after the deadline may not be answered.

6.1.1 Applicant's Conference/Webinar

There will be an optional webinar for all prospective applicants to be held on January 30, 2019 at 10:00 a.m. EST. The final details for the applicant's conference/webinar will be posted on the OVS website along with the responses to all questions that were received by the deadline.

Applicants are encouraged to submit questions to OVS in advance of the webinar.

6.2 Insurance Requirements

Successful applicants will be required to submit the following documents prior to contract execution:

- Vendor Responsibility Questionnaire
 - The awarded applicant may be subject to a vendor responsibility review prior to contract execution. Any applicant found not responsible by the Office of Victim Services may not be provided with funding pursuant to this RFA.
- Proof of Workers' Compensation & Disability Insurance
 - Workers' Compensation, Employer's Liability, and Disability Benefits meeting all New York State statutory requirements are required. If coverage is obtained from an insurance company through an insurance policy, the policy shall provide coverage for all states of operation that apply to the performance of the contract.
 - **PLEASE NOTE - ACORD forms are NOT acceptable proof of workers' compensation coverage.**

6.3 Application Preparation

All applications must be completed & submitted in the Grants Gateway. Applications submitted via other methods (postal mail, e-mail or fax) will not be accepted.

6.4 Instructions for Application Submission

All submissions must be received in the NYS Grants Gateway by 2:00 pm EST on April 03, 2019. Only those Applicants who furnish all required information and meet the mandatory requirements will be considered.

MAIL, E-MAIL OR FAX APPLICATION SUBMISSIONS ARE NOT ACCEPTABLE AND WILL NOT BE CONSIDERED.

The State of New York will not be held liable for any cost incurred by the Applicant for work performed in the preparation and production of an or for any work performed prior to the formal execution and approval of a contract.

Applications must be submitted in the Grants Gateway on or before 2:00 PM EST on the date indicated in Section 1.4 - Key Events. Applicants assume all risks for timely, properly submitted deliveries.

***NOTE* Late Applications will NOT be accepted.**

7. CONTRACT CLAUSES AND REQUIREMENTS

7.1 Contract Terms

Any contract resulting from this Solicitation shall not be deemed executed, valid or binding unless and until approved in writing by the Attorney General and the Comptroller of the State of New York.

7.2 Indemnification

The Grant Recipient shall assume all risks of liability for its performance, or that of any of its officers, employees, subcontractors or agents, of any contract resulting from this Solicitation and shall be solely responsible and liable for all liabilities, losses, damages, costs or expenses, including attorney's fees, arising from any claim, action or proceeding relating to or in any way connected with the performance of this Agreement and covenants and agrees to indemnify and hold harmless the State of New York, its agents, officers and employees, from any and all claims, suits, causes of action and losses of whatever kind and nature, arising out of or in connection with its performance of any contract resulting from this Solicitation, including negligence, active or passive or improper conduct of the Grant Recipient, its officers, agents, subcontractors or employees, or the failure by the Grant Recipient, its officers, agents, subcontractors or employees to perform any obligations or commitments to the State or third parties arising out of or resulting from any contract resulting from this Solicitation. Such indemnity shall not be limited to the insurance coverage herein prescribed.

8. OTHER IMPORTANT REQUIREMENTS FOR FUNDING

- All successful applicants must provide the direct services funded through this RFA at no charge as part of their executed contract.
- All successful applicants must provide a valid DUNS (Data Universal Numbering System) number in order to execute a contract.
- All successful applicants must be currently registered with SAM (System for Award Management) in order to execute a contract.
- All successful not-for-profit applicants must be prequalified in Grants Gateway by the RFA submission deadline. In keeping with this requirement, any application from a non-governmental nonprofit which has a status other than one of the following at the time and date that the application is due shall not be considered for funding: a) Document Vault Prequalified; b) Document Vault Prequalified Open; c) Document Vault Prequalified/In review, or d) Document Vault Open for PQS edits.
- All applicants must complete and upload the Performance Measurement Tool Form. **This is a pass/fail element of this procurement.**
- All successful applicants must demonstrate that they use volunteers in their program. (Applicants Must Upload a Volunteer Form into Grants Gateway as part of the on-line application to document use of volunteers.) **This is a pass/fail element of this procurement.**
- All successful applicants must demonstrate financial support from sources other than the Crime Victims Fund. (Applicants must upload the "Annual Funding from All Other Sources" Form into Grants Gateway as part of the on-line application to document other financial support.) **This is a pass/fail element of this procurement.**
- All successful **NEW** applicants must demonstrate substantial financial support from sources other than the Crime Victims Fund. This can be demonstrated when at least 25% of the program's funding in the year of, or the year preceding the award comes from sources other than the Crime Victims Fund, which may include other federal funding programs. (Applicants must upload the "Annual Funding from All Other Sources" Form into Grants Gateway as part of the on-line application to document other financial support.) **This is a pass/fail element of this procurement.**
- All successful applicants must complete and upload the Position Description Form into Grants Gateway as part of the on-line application. **This is a pass/fail element of this procurement.**
- All successful applicants must complete and upload the Future Funding excel spreadsheet into Grants Gateway as part of the on-line application. **This is a pass/fail element of this procurement.**

- All successful applicants must complete and upload the De Minimis Rate Calculation Form (if you are using the De Minimis Rate) into Grants Gateway as part of the on-line application.
This is a pass/fail element of this procurement.
- All successful applicants must complete and upload the Program Information Form into Grants Gateway as part of the on-line application.
This is a pass/fail element of this procurement.
- All successful applicants must complete and upload the Letter of Certification into Grants Gateway as part of the on-line application. **This is a pass/fail element of this procurement.**
- All successful applicants must complete and upload the Attachment 2: Priorities Categories Form into Grants Gateway as part of the on-line application. **This is a pass/fail element of this procurement.**
- All successful applicants must complete and upload the Budget Worksheet/Attachment B (this is only applicable if you are using these forms) into Grants Gateway as part of the on-line application.
This is a pass/fail element of this procurement.
- All successful applicants (except as noted otherwise in Section 3.4.1) must provide a response for the one required objective and task that is listed in the Workplan Overview Section. **This is a pass/fail element of this procurement.**
- All successful applicants will have completed all of the required elements of the RFA applications. **This is a pass/fail element of this procurement.**
- All successful applicants will have completed the Attachment 1 – Application Checklist into the Grants Gateway as part of the on-line application. **This is a pass/fail element of this procurement.**