

**TOWN OF HEMPSTEAD/CITY OF LONG BEACH  
LOCAL WORKFORCE DEVELOPMENT BOARD  
REQUEST FOR PROPOSALS FOR  
PLANNING AND GRANT DEVELOPMENT  
CONSULTING SERVICES  
SECOND REQUEST**

**DECEMBER, 2016**

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**TOWN OF HEMSPTEAD  
DEPARTMENT OF OCCUPATIONAL RESOURCES**

**Request for Proposals**

**I. Introduction**

This solicitation of proposals is being conducted by the Town of Hempstead Department of Occupational Resources (DOOR) on behalf of the Town of Hempstead Workforce Development Board (LWDB) in its capacity as the Grant Subrecipient/Fiscal Agent for the Town of Hempstead/City of Long Beach Local Workforce Development Area under the Workforce Innovation and Opportunity Act (WIOA) (Public Law 113-128) of 2014 and all related statutes and regulations.

Contractual agreements negotiated pursuant to this RFP will commence on or before July 1, 2017 and end on June 30, 2019, with options for renewal at the discretion of DOOR. The contract period may be extended or reduced at the option of DOOR. Services funded under contracts executed pursuant to this request for proposals (RFP) will be governed by WIOA. Applicants are also encouraged to propose augmenting non-WIOA services, which are to be funded through cash and in-kind contributions.

Costs incurred in the delivery of all services pursuant to this RFP will be allocated in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards Final Rule, at 2 CFR part 2900 published on December 19, 2014, and the Office of Management and Budget's (OMB's) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards Final Rule, dated December 26, 2013 found at 2 CFR part 200 ("Uniform Guidance" or "2 CFR part 200"). The Uniform Guidance, which can be found at <http://www.gpo.gov/fdsys/pkg/FR-2013-12-26/pdf/2013-30465.pdf>, streamlines and consolidates OMB Circulars A-21 (2 CFR part 220), A-50, A-87 (2 CFR part 225), A-89, A-102 (29 CFR part 97), A-110 (29 CFR part 95), A-122 (2 CFR part 230), and A-133 (29 CFR part 96) into a single document. The Uniform Guidance standardizes the administrative, cost, and audit provisions for nearly all grants across the Federal government including those awarded by the United States Department of Labor's WIOA Federal partners, including the Departments of Education, Health and Human Services, and the Department of Agriculture.

## II. Background

In accordance with WIOA, the LWDB implements the HempsteadWorks Workforce Development System. The mission of the system is to:

- ◆ Ensure that skilled workers are available to employers;
- ◆ Help jobseekers find work;
- ◆ Foster economic development.

HempsteadWorks is designed to provide customers with workforce development services through a “One-Stop” delivery system. The One-Stop Partners of the system integrate their resources electronically and also through co-location of staff within career centers and affiliate sites. The official Web site of the system is: [www.hempsteadworks.com](http://www.hempsteadworks.com). Co-location of staff is accomplished by teams comprised of individuals from a variety of independent organizations. These individuals adhere to common standards and reporting formats contained in the One-Stop Operating System (OSOS) and the HempsteadWorks Quality Assurance Program (HWQAP).

The purpose of this request for proposals is to identify qualified organizations and/or individuals who might potentially be selected to provide planning and grant development services to the LWDB and DOOR. These services will assist the LWDB to comply with the WIOA Statute and regulations, which are provided under the following links:

- <https://www.congress.gov/113/plaws/publ128/PLAW-113publ128.pdf>
- [Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule](#) 
- [Workforce Innovation and Opportunity Act; Department of Labor Only; Final Rule](#) 
- [State Vocational Rehabilitation Services Program; State Supported Employment Services Program; Limitations on Use of Subminimum Wage; Final Rule](#) 
- [Workforce Innovation and Opportunity Act, Miscellaneous Program Changes; Final Rule](#) 
- [Programs and Activities Authorized by the Adult Education and Family Literacy Act \(Title II of the Workforce Innovation and Opportunity Act\); Final Rule](#)

Additional services under this solicitation are required under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) (Public Law 104-193) Temporary Assistance to Needy Families (TANF), which is also provided under a link below, and also with other statutes, regulations and grant guidelines.

- <https://www.congress.gov/104/plaws/publ193/PLAW-104publ193.pdf>

In addition to the above referenced statutes and regulations, the WIOA funded planning and grant development services requested through this solicitation are also intended to assist the LWDB to comply with federal, state and local government policies disseminated through United States Department of Labor (USDOL) Employment and Training Administration (ETA) Training and Employment Guidance Letters (TEGLs) and Training and Employment Notices (TENs), New York State Department of Labor (NYSDOL) Workforce Development System Technical Advisories (TAs) and LWDB and DOOR policies.

The desired planning and grant development services under this solicitation would support the functions of the LWDB, which are enumerated under WIOA Section 107(d), which is included under **Appendix B**. One of those functions is to “develop and submit a local plan to the Governor.” The requirements for the content of that local plan are enumerated WIOA Section 108(b), which is included under **Appendix C**.

In addition, WIOA Section 121 requires that “the local board for a local area...shall (1) develop and enter into the memorandum of understanding described in subsection (c) with one-stop partners; (2) designate or certify one-stop operators under subsection (d); and (3) conduct oversight with respect to the one-stop delivery system in the local area.”

The desired planning and grant development services under this solicitation would include the development of the local plan, One-Stop operator agreement, memoranda of understanding, and local One-Stop certification and recertification processes that would comply with WIOA Section 121 (b)(c)(d)(e)(f)(g), which is included as **Appendix D**. These services would also include the development of a Cost Sharing Plan in accordance with WIOA Section 121(h)(i), which is included as **Appendix E**.

### **III. Contact Information**

Ana-Maria Hurtado, Commissioner/WDB Director  
Town of Hempstead  
Department of Occupational Resources  
Hempstead Executive Plaza  
50 Clinton Street, Suite 400  
Hempstead, New York 11550  
(516) 485-5000  
amh@hempsteadworks.com

### **IV. Selection Process**

Proposals that represent the best overall value to the Local Workforce Area may be selected for funding. The Board may award a contract for any and all parts of the proposal and may negotiate contract terms and conditions to meet program requirements consistent with this RFP. Applicants will be rated on a 100-point rating system, as indicated below:

Applicant Background, Qualifications and Experience	50 points
Scope of Work (Approach, Design, Innovation and Coordination)	20 points
Budget	15 points
Proposed Staff	15 points
Total	100 points

To be eligible to receive an award a proposal must be fully completed, contain all required documentation, and achieve a minimum score of 70 points. In addition to the portions of the narrative included in the rating points, applicants must also respond to the “mandated” sections.

**FAILURE TO MEET MINIMUM REQUIREMENTS WILL RESULT IN AUTOMATIC REJECTION OF THE APPLICATION.**

**V. Applicant Information (Mandated)**

**A. Cover Sheet**

Please complete the information requested below:

Name of Organization: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Federal I.D. Number (If applicant is an organization): \_\_\_\_\_

Social Security Number (If applicant is an individual): \_\_\_\_\_

Contact Person: \_\_\_\_\_

Title of Contact Person: \_\_\_\_\_

Name of Official Authorized to Sign Contract:  
\_\_\_\_\_

Title of Authorized Official: \_\_\_\_\_

\*\*\*\*\*

Should this entity be selected to provides services pursuant to this proposal, the undersigned agrees to conduct such in accordance with this proposal.

Authorized to Bind Offeror

\_\_\_\_\_  
Signature of Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (typed or printed)

**B. Category of Applicant Organization/Individual (Mandated)**

Please indicate the category below which best describes your organization by placing an "x" in the appropriate box. Organizations must also provide the required Internal Revenue Service (IRS) identification information: If you are an individual who is not affiliated with an organization, this may be indicated by checking the box next to the word "individual" below.

(CHECK ONE)	CATEGORY	IRS FEDERAL ID NUMBER (ORGANIZATION) OR SOCIAL SECURITY NUMBER (INDIVIDUAL)
.	Private-For-Profit	
.	Private-Non-Profit	
.	Government Agency	
.	Individual	

**C. Applicant Background, Qualifications and Experience (50 Points Total)**

1. Indicate the nature and mission of your business or organization, or if you are a private individual, your purpose for responding to this solicitation.
2. Describe whether you or your organization has the financial resources, or has the ability to obtain them, to perform the proposed services. **(5 Points)**
3. Summarize your own or your organization's record of fiscal integrity, business ethics, and fiscal accountability. **(5 Points)**
4. Provide evidence that you or your organization possesses the necessary organization, experience, accounting and operational controls, as well as technical skills to perform the work. **(5 Points)**
5. Describe your ability, or the ability of your organization to perform the proposed services at a reasonable cost, as well as the ability to meet performance goals. **(5 Points)**
6. Describe your experience in developing budgets for publically funded plans and grant programs. **(2 Points)**
7. Describe your experience in creating and developing cost allocation plans for publically funded grant programs. **(2 Points)**
8. Describe your experience in creating and developing policy and procedure manuals for publically funded grant programs. **(2 Points)**
9. Describe your experience in creating and developing request-for-proposals and conducting procurement for publically funded grant programs. **(2 Points)**
10. Describe your experience in developing vendor and subrecipient contracts, operator agreements and partner organization memoranda of understanding for publically funded grant programs, using boilerplate templates. **(2 Points)**
11. Describe your experience in interpreting management information systems reports pertaining to performance measures to create and develop reports and recommend programmatic adjustments. **(2 Points)**
12. Describe your experience in developing certification and recertification processes for publically funded programs or organizations. **(2 Points)**

13. Describe your experience in analyzing federal and state statutes and regulations related to publically funded programs and in applying that analysis to create and develop implementation plans, to train staff, and to make recommendations to senior management in order to ensure compliance, make operational adjustments and foster continuous improvement. **(2 Points)**
14. Using the format provided in **Appendix F**, please indicate your **Record of Planning and Grant Development Consulting Services**. After completing **Appendix F**, include it with your proposal labeled as “**Appendix F.**” **(12 Points)**
15. Using the format provided in **Appendix G**, please indicate your **Record of Attaining Awards of Recognition for Organization(s)**. *(Note: Any awards cited should be awarded to organizations or individuals for recognition of excellence by a third party which does not have an employer/employee relationship with the applicant.)* After completing **Appendix G**, include it with your proposal labeled as “**Appendix G.**” **(2 Points)**

**VI. Scope of Work (Approach, Design, Innovation and Coordination) (20 Points)**

Please indicate “yes” or “no” under the column “**Applicant Agrees to Perform**” in the appropriate row of **Appendix H** to indicate the services that the applicant agrees to perform in connection with this solicitation. After completing **Appendix H**, include it with your proposal labeled as “**Appendix H.**”

**VII. Budget (15 Points)**

Include an attachment labeled “**Appendix I - Budget,**” which includes the following information:

1. The proposed hourly rate and number of hours for the services;
2. An itemization of non-WIOA funds offered on a cash or in-kind basis to support WIOA services to be conducted through co-location, or through electronic linkages, if applicable;
3. If the organization is classified as "non-profit," then documentation of the organization’s legal non-profit status must be attached;
4. If the organization is classified as "for-profit," then its proposal must demonstrate the amount of profit it proposes to retain, with sufficient documentation to demonstrate whether or not this profit is reasonable.

**VIII. Proposed Staff (15 Points)**

Include, as “**Appendix J,**” a resume or summary of the qualifications of the staff person(s) to be assigned to perform the services proposed. In order to receive any points under this section, proposed staff must at a minimum possess a baccalaureate degree and have related experience.

**Section IX: PLANNING AND GRANT DEVELOPMENT  
CONSULTING SERVICES  
PROPOSAL REVIEW FORM  
(For DOOR use only)**

Vendor: \_\_\_\_\_

<b>SECTION TO BE EVALUATED</b>	<b>TOTAL POINTS</b>	<b>POINTS AWARDED</b>
<b>V. Applicant Background, Qualifications and Experience</b>	<b>50</b>	
<b>VI. Scope of Work (Approach, Design, Innovation and Coordination)</b>	<b>20</b>	
<b>VII. Budget</b>	<b>15</b>	
<b>VIII. Proposed Staff</b>	<b>15</b>	
<b>Attachment A: Assurances and Certifications</b>	<b>Mandated</b>	<b>Mandated</b>
<b>Amount Proposed: _____</b>		

**POINTS ACCUMULATED \_\_\_\_\_**

*To be eligible to receive an award, a proposal must achieve a minimum score of 70 points.*

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

## APPENDIX A - PUBLIC NOTICE

### **NOTICE OF REQUEST FOR PROPOSALS FOR PLANNING AND GRANT DEVELOPMENT CONSULTING SERVICES UNDER THE WORKFORCE INNOVATION AND OPPORTUNITY ACT AND THE PERSONAL RESPONSIBILITY WORK OPPORTUNITY AND RECONCILIATION ACT TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM FOR THE TOWN OF HEMPSTEAD/CITY OF LONG BEACH LOCAL WORKFORCE DEVELOPMENT AREA. SECOND REQUEST.**

#### **I. Purpose and Requirements**

This solicitation of proposals is being conducted by the Town of Hempstead Department of Occupational Resources (DOOR) on behalf of the Town of Hempstead Local Workforce Development Board (LWDB) in its capacity as the Grant Subrecipient/Fiscal Agent for the Town of Hempstead/City of Long Beach Local Workforce Development Area under the Workforce Innovation and Opportunity Act (WIOA) of 2014. The period of performance will commence on or before July 1, 2017 and end on June 30, 2019, with options for renewal or extension at the discretion of DOOR.

The desired planning and grant development services under this solicitation would support the functions of the LWDB, which are enumerated under WIOA Section 107(d). One of those functions is to “develop and submit a local plan to the Governor.” The requirements for the content of that local plan are enumerated WIOA Section 108(b). In addition, WIOA Section 121 requires that “the local board for a local area...shall (1) develop and enter into the memorandum of understanding described in subsection (c) with one-stop partners; (2) designate or certify one-stop operators under subsection (d); and (3) conduct oversight with respect to the one-stop delivery system in the local area.”

The desired planning and grant development services under this solicitation would include the development of the local plan, One-Stop operator agreement, memoranda of understanding, and local One-Stop certification and recertification processes that would comply with WIOA Section 121 (b)(c)(d)(e)(f)(g). These services would also include the development of a Cost Sharing Plan in accordance with WIOA Section 121(h)(i).

The scope of work will be evaluated in terms of the applicant’s approach, program design, innovation and coordination in the performance of the following: Develop Local Plan; Develop Regional Plan; Assist in the Development and Adjustment of Operating Budget; Develop and Maintain Compliance Documents; Develop and Maintain Manuals; Conduct Procurement and Develop Contracts; Develop and Manage Grants; Write Special Reports and Correspondence; Analyze and Interpret Statutory, Regulatory and Policy Requirements and Reports.

Applicants will also be evaluated based upon their demonstrated background, qualifications, experience, budget and staff. Evaluation of applicant’s background, qualifications and experience will include the following items:

1. Experience in developing budgets for publically funded plans and grant programs;
2. Experience in creating and developing cost allocation plans for publically funded grant programs;
3. Experience in creating and developing policy and procedure manuals for publically funded grant programs;
4. Experience in creating and developing request-for-proposals and conducting procurement for publically funded grant programs;
5. Experience in developing vendor and subrecipient contracts, operator agreements and partner organization memoranda of understanding for publically funded grant programs, using boilerplate templates;
6. Experience in interpreting management information systems reports pertaining to performance measures to create and develop reports and recommend programmatic adjustments;
7. Experience in developing certification and recertification processes for publically funded programs or organizations;
8. Experience in analyzing federal and state statutes and regulations related to publically funded programs and in applying that analysis to create and develop implementation plans, to train staff, and to make recommendations to senior management in order to ensure compliance, make operational adjustments and foster continuous improvement;
9. Record of planning and grant development consulting services;
10. Record of attaining awards of recognition for organization(s).

## **II. Submission Deadline**

Completed proposals must be received by DOOR no later than 4:30 P.M. on Friday, January 20, 2017. Except for good cause shown, proposals that are received after that date will be reviewed and kept on file for future funding consideration only should conditions warrant. Proposals should be submitted in sealed envelopes and addressed to: Ana-Maria Hurtado, Commissioner/WDB Director, Town of Hempstead, Department of Occupational Resources, 50 Clinton Street, Suite 400, Hempstead, New York 11550. Applicants are advised that changes in the Local Workforce Development Area's One-Stop System, both in terms of content and funding levels, may be required prior to or during its operation due to new or revised legislation. All parties to contracts are expected to adhere to any necessary changes. This RFP does not commit the Local Board or DOOR to award a contract to pay costs incurred in the preparation of a proposal in response to this request, or to procure or contract for services or supplies. The Local Board and DOOR reserve the right to accept or reject any or all qualified sources, or to cancel in part or in its entirety this RFP if it is in their best interests to do so. Any questions concerning this RFP should be directed to Edward Kenny, in writing to the above address, by telephone at (516) 485-5000, extension 1148, by fax to (516) 485-5009, or by e-mail to [ekenny@hempsteadworks.com](mailto:ekenny@hempsteadworks.com).

## APPENDIX B

### **Functions of the Local Board - Workforce Innovation and Opportunity Act Section 107(d)**

“...the functions of the local board shall include the following:

(1) **LOCAL PLAN.**—The local board, in partnership with the chief elected official for the local area involved, shall develop and submit a local plan to the Governor that meets the requirements in section 108. If the local area is part of a planning region that includes other local areas, the local board shall collaborate with the other local boards and chief elected officials from such other local areas in the preparation and submission of a regional plan as described in section 106(c)(2).

(2) **WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS.**—In order to assist in the development and implementation of the local plan, the local board shall—

(A) carry out analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities (including education and training) in the region described in section 108(b)(1)(D), and regularly update such information;

(B) assist the Governor in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)), specifically in the collection, analysis, and utilization of workforce and labor market information for the region; and

(C) conduct such other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions.

(3) **CONVENING, BROKERING, LEVERAGING.**—The local board shall convene local workforce development system stakeholders to assist in the development of the local plan under section 108 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. The local board, including standing committees, may engage such stakeholders in carrying out the functions described in this subsection.

(4) **EMPLOYER ENGAGEMENT.**—The local board shall lead efforts to engage with a diverse range of employers and with entities in the region involved—

(A) to promote business representation (particularly representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the local board;

(B) to develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;

(C) to ensure that workforce investment activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and

(D) to develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region, and that

expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.

(5) CAREER PATHWAYS DEVELOPMENT.—The local board, with representatives of secondary and postsecondary education programs, shall lead efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.

(6) PROVEN AND PROMISING PRACTICES.—The local board shall lead efforts in the local area to—

(A) identify and promote proven and promising strategies and initiatives for meeting the needs of employers, and workers and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), to the one-stop delivery system; and

(B) identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.

(7) TECHNOLOGY.—The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by—

(A) facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;

(B) facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas;

(C) identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills;

and

(D) leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.

(8) PROGRAM OVERSIGHT.—The local board, in partnership with the chief elected official for the local area, shall—

(A)(i) conduct oversight for local youth workforce investment activities authorized under section 129(c), local employment and training activities authorized under subsections (c) and (d) of section 134, and the one-stop delivery system in the local area; and

(ii) ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described in clause (i); and

(B) for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 116.

(9) NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.—The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in section 116(c).

(10) SELECTION OF OPERATORS AND PROVIDERS.—

- (A) **SELECTION OF ONE-STOP OPERATORS.**—Consistent with section 121(d), the local board, with the agreement of the chief elected official for the local area—
- (i) shall designate or certify one-stop operators as described in section 121(d)(2)(A); and
  - (ii) may terminate for cause the eligibility of such operators.
- (B) **SELECTION OF YOUTH PROVIDERS.**—Consistent with section 123, the local board—
- (i) shall identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis (except as provided in section 123(b)), based on the recommendations of the youth standing committee, if such a committee is established for the local area under subsection (b)(4); and
  - (ii) may terminate for cause the eligibility of such providers.
- (C) **IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.**—Consistent with section 122, the local board shall identify eligible providers of training services in the local area.
- (D) **IDENTIFICATION OF ELIGIBLE PROVIDERS OF CAREER SERVICES.**—If the one-stop operator does not provide career services described in section 134(c)(2) in a local area, the local board shall identify eligible providers of those career services in the local area by awarding contracts.
- (E) **CONSUMER CHOICE REQUIREMENTS.**—Consistent with section 122 and paragraphs (2) and (3) of section 134(c), the local board shall work with the State to ensure there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.
- (11) **COORDINATION WITH EDUCATION PROVIDERS.**—
- (A) **IN GENERAL.**—The local board shall coordinate activities with education and training providers in the local area, including providers of workforce investment activities, providers of adult education and literacy activities under title II, providers of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) and local agencies administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741).
- (B) **APPLICATIONS AND AGREEMENTS.**—The coordination described in subparagraph (A) shall include—
- (i) consistent with section 232—
    - (I) reviewing the applications to provide adult education and literacy activities under title II for the local area, submitted under such section to the eligible agency by eligible providers, to determine whether such applications are consistent with the local plan; and
    - (II) making recommendations to the eligible agency to promote alignment with such plan; and
  - (ii) replicating cooperative agreements in accordance with subparagraph (B) of section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)), and implementing cooperative agreements in accordance with that section with the local agencies administering plans under title I of that Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that

title (29 U.S.C. 732, 741) and subject to section 121(f)), with respect to efforts that will enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.

(C) COOPERATIVE AGREEMENT.—In this paragraph, the term “cooperative agreement” means an agreement entered into by a State designated agency or State designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.

(12) BUDGET AND ADMINISTRATION.—

(A) BUDGET.—The local board shall develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the local board under this section, subject to the approval of the chief elected official.

(B) ADMINISTRATION.—

(i) GRANT RECIPIENT.—

(I) IN GENERAL.—The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.

(II) DESIGNATION.—In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in subclause (I).

(III) DISBURSAL.—The local grant recipient or an entity designated under subclause (II) shall disburse the grant funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title. The local grant recipient or entity designated under subclause (II) shall disburse the funds immediately on receiving such direction from the local board.

(ii) GRANTS AND DONATIONS.—The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.

(iii) TAX-EXEMPT STATUS.—For purposes of carrying out duties under this Act, local boards may incorporate, and may operate as entities described in section 501(c)(3) of the Internal Revenue Code of 1986 that are exempt from taxation under section 501(a) of such Code.

(13) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—

The local board shall annually assess the physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), of all one-stop centers in the local area.”

## APPENDIX C

### Contents of the Local Plan - Workforce Innovation and Opportunity Act Section 108(B)

“The local plan shall include—

(1) a description of the strategic planning elements consisting of—

(A) an analysis of the regional economic conditions including—

(i) existing and emerging in-demand industry sectors and occupations; and

(ii) the employment needs of employers in those industry sectors and occupations;

(B) an analysis of the knowledge and skills needed to meet the employment needs of the employers in the region, including employment needs in in-demand industry sectors and occupations;

(C) an analysis of the workforce in the region, including current labor force employment (and unemployment) data, and information on labor market trends, and the educational and skill levels of the workforce in the region, including individuals with barriers to employment;

(D) an analysis of the workforce development activities (including education and training) in the region, including an analysis of the strengths and weaknesses of such services, and the capacity to provide such services, to address the identified education and skill needs of the workforce and the employment needs of employers in the region;

(E) a description of the local board’s strategic vision and goals for preparing an educated and skilled workforce (including youth and individuals with barriers to employment), including goals relating to the performance accountability measures based on primary indicators of performance described in section 116(b)(2)(A) in order to support regional economic growth and economic self-sufficiency; and

(F) taking into account analyses described in subparagraphs (A) through (D), a strategy to work with the entities that carry out the core programs to align resources available to the local area, to achieve the strategic vision and goals described in subparagraph (E);

(2) a description of the workforce development system in the local area that identifies the programs that are included in that system and how the local board will work with the entities carrying out core programs and other workforce development programs to support alignment to provide services, including programs of study authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), that support the strategy identified in the State plan under section 102(b)(1)(E);

(3) a description of how the local board, working with the entities carrying out core programs, will expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment, including how the local board will facilitate the development of career pathways and co-enrollment, as appropriate, in core programs, and improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable);

(4) a description of the strategies and services that will be used in the local area—

(A) in order to—

- (i) facilitate engagement of employers, including small employers and employers in in-demand industry sectors and occupations, in workforce development programs;
  - (ii) support a local workforce development system that meets the needs of businesses in the local area;
  - (iii) better coordinate workforce development programs and economic development; and
  - (iv) strengthen linkages between the one-stop delivery system and unemployment insurance programs; and
- (B) that may include the implementation of initiatives such as incumbent worker training programs, on-the-job training programs, customized training programs, industry and sector strategies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies, designed to meet the needs of employers in the corresponding region in support of the strategy described in paragraph (1)(F);
- (5) a description of how the local board will coordinate workforce investment activities carried out in the local area with economic development activities carried out in the region in which the local area is located (or planning region), and promote entrepreneurial skills training and microenterprise services;
- (6) a description of the one-stop delivery system in the local area, including—
- (A) a description of how the local board will ensure the continuous improvement of eligible providers of services through the system and ensure that such providers meet the employment needs of local employers, and workers and jobseekers;
  - (B) a description of how the local board will facilitate access to services provided through the one-stop delivery system, including in remote areas, through the use of technology and through other means;
  - (C) a description of how entities within the one-stop delivery system, including one-stop operators and the onestop partners, will comply with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities; and
  - (D) a description of the roles and resource contributions of the one-stop partners;
- (7) a description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area;
- (8) a description of how the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities, as described in section 134(a)(2)(A);
- (9) a description and assessment of the type and availability of youth workforce investment activities in the local area, including activities for youth who are individuals with disabilities, which description and assessment shall include an identification of successful models of such youth workforce investment activities;
- (10) a description of how the local board will coordinate education and workforce investment activities carried out in the local area with relevant secondary and postsecondary education programs and activities to coordinate strategies, enhance services, and avoid duplication of services;

- (11) a description of how the local board will coordinate workforce investment activities carried out under this title in the local area with the provision of transportation, including public transportation, and other appropriate supportive services in the local area;
- (12) a description of plans and strategies for, and assurances concerning, maximizing coordination of services provided by the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) and services provided in the local area through the one-stop delivery system, to improve service delivery and avoid duplication of services;
- (13) a description of how the local board will coordinate workforce investment activities carried out under this title in the local area with the provision of adult education and literacy activities under title II in the local area, including a description of how the local board will carry out, consistent with subparagraphs (A) and (B)(i) of section 107(d)(11) and section 232, the review of local applications submitted under title II;
- (14) a description of the replicated cooperative agreements (as defined in section 107(d)(11)) between the local board or other local entities described in section 101(a)(11)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)(B)) and the local office of a designated State agency or designated State unit administering programs carried out under title I of such Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f) in accordance with section 101(a)(11) of such Act (29 U.S.C. 721(a)(11)) with respect to efforts that will enhance the provision of services to individuals with disabilities and to other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination;
- (15) an identification of the entity responsible for the disbursement of grant funds described in section 107(d)(12)(B)(i)(III), as determined by the chief elected official or the Governor under section 107(d)(12)(B)(i);
- (16) a description of the competitive process to be used to award the subgrants and contracts in the local area for activities carried out under this title;
- (17) a description of the local levels of performance negotiated with the Governor and chief elected official pursuant to section 116(c), to be used to measure the performance of the local area and to be used by the local board for measuring the performance of the local fiscal agent (where appropriate), eligible providers under subtitle B, and the one-stop delivery system, in the local area;
- (18) a description of the actions the local board will take toward becoming or remaining a high-performing board, consistent with the factors developed by the State board pursuant to section 101(d)(6);
- (19) a description of how training services under chapter 3 of subtitle B will be provided in accordance with section 134(c)(3)(G), including, if contracts for the training services will be used, how the use of such contracts will be coordinated with the use of individual training accounts under that chapter and how the local board will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided;
- (20) a description of the process used by the local board, consistent with subsection (d), to provide an opportunity for public comment, including comment by representatives of businesses and comment by representatives of labor organizations, and input into the development of the local plan, prior to submission of the plan;

(21) a description of how one-stop centers are implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under this Act and programs carried out by one-stop partners; and  
(22) such other information as the Governor may require.

## Appendix D

### Requirements for One-Stop Delivery System- Workforce Innovation and Opportunity Act Section 121(b)(c)(d)(e)(f)(g)

“(b) ONE-STOP PARTNERS.—

(1) REQUIRED PARTNERS.—

(A) ROLES AND RESPONSIBILITIES OF ONE-STOP PARTNERS.—

Each entity that carries out a program or activities described in subparagraph (B) in a local area shall—

(i) provide access through the one-stop delivery system to such program or activities carried out by the entity, including making the career services described in section 134(c)(2) that are applicable to the program or activities available at the one-stop centers (in addition to any other appropriate locations);

(ii) use a portion of the funds available for the program and activities to maintain the one-stop delivery system, including payment of the infrastructure costs of one-stop centers in accordance with subsection (h);

(iii) enter into a local memorandum of understanding with the local board, relating to the operation of the one-stop system, that meets the requirements of subsection (c);

(iv) participate in the operation of the one-stop system consistent with the terms of the memorandum of understanding, the requirements of this title, and the requirements of the Federal laws authorizing the program or activities; and

(v) provide representation on the State board to the extent provided under section 101.

(B) PROGRAMS AND ACTIVITIES.—The programs and activities referred to in subparagraph

(A) consist of—

(i) programs authorized under this title;

(ii) programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

(iii) adult education and literacy activities authorized under title II;

(iv) programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) (other than section 112 or part C of title I of such Act (29 U.S.C. 732, 741));

(v) activities authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.);

(vi) career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);

(vii) activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);

(viii) activities authorized under chapter 41 of title 38, United States Code;

(ix) employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);

(x) employment and training activities carried out by the Department of Housing and Urban Development;

(xi) programs authorized under State unemployment compensation laws (in accordance with applicable Federal law);

(xii) programs authorized under section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532); and

(xiii) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), subject to subparagraph (C).

**(C) DETERMINATION BY THE GOVERNOR.—**

(i) **IN GENERAL.**—An entity that carries out a program referred to in subparagraph (B)(xiii) shall be included in the one-stop partners for the local area, as a required partner, for purposes of this Act and the other core program provisions that are not part of this Act, unless the Governor provides the notification described in clause (ii).

(ii) **NOTIFICATION.**—The notification referred to in clause (i) is a notification that—  
(I) is made in writing of a determination by the Governor not to include such entity in the one-stop partners described in clause (i); and  
(II) is provided to the Secretary of Labor (referred to in this subtitle, and subtitles C through E, as the “Secretary”) and the Secretary of Health and Human Services.

**(2) ADDITIONAL PARTNERS.—**

(A) **IN GENERAL.**—With the approval of the local board and chief elected official, in addition to the entities described in paragraph (1), other entities that carry out workforce development programs described in subparagraph (B) may be one-stop partners for the local area and carry out the responsibilities described in paragraph (1)(A).

(B) **PROGRAMS.**—The programs referred to in subparagraph (A) may include—

(i) employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19);  
(ii) employment and training programs carried out by the Small Business Administration;  
(iii) programs authorized under section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4));

(iv) work programs authorized under section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o));

(v) programs carried out under section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732);

(vi) programs authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.); and

(vii) other appropriate Federal, State, or local programs, including employment, education, and training programs provided by public libraries or in the private sector.

**(c) MEMORANDUM OF UNDERSTANDING.—**

(1) **DEVELOPMENT.**—The local board, with the agreement of the chief elected official, shall develop and enter into a memorandum of understanding (between the local board and the one-stop partners), consistent with paragraph (2), concerning the operation of the one-stop delivery system in the local area.

(2) **CONTENTS.**—Each memorandum of understanding shall contain—

(A) provisions describing—

(i) the services to be provided through the onestop delivery system consistent with the requirements of this section, including the manner in which the services will be coordinated and delivered through such system;

(ii) how the costs of such services and the operating costs of such system will be funded, including—

(I) funding through cash and in-kind contributions (fairly evaluated), which contributions may include funding from philanthropic organizations or other private entities, or through other alternative financing options, to provide a stable and equitable funding stream for ongoing one-stop delivery system operations; and (II) funding of the infrastructure costs of onestop centers in accordance with subsection (h);

(iii) methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities;

(iv) methods to ensure the needs of workers and youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in the provision of necessary and appropriate access to services, including access to technology and materials, made available through the one-stop delivery system; and

(v) the duration of the memorandum of understanding and the procedures for amending the memorandum during the duration of the memorandum, and assurances that such memorandum shall be reviewed not less than once every 3-year period to ensure appropriate funding and delivery of services; and

(B) such other provisions, consistent with the requirements of this title, as the parties to the agreement determine to be appropriate.

(d) ONE-STOP OPERATORS.—

(1) LOCAL DESIGNATION AND CERTIFICATION.—Consistent with paragraphs (2) and (3), the local board, with the agreement of the chief elected official, is authorized to designate or certify one-stop operators and to terminate for cause the eligibility of such operators.

(2) ELIGIBILITY.—To be eligible to receive funds made available under this subtitle to operate a one-stop center referred to in subsection (e), an entity (which may be a consortium of entities)—

(A) shall be designated or certified as a one-stop operator through a competitive process; and

(B) shall be an entity (public, private, or nonprofit), or consortium of entities (including a consortium of entities that, at a minimum, includes 3 or more of the one-stop partners described in subsection (b)(1)), of demonstrated effectiveness, located in the local area, which may include—

(i) an institution of higher education;

(ii) an employment service State agency established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), on behalf of the local office of the agency;

(iii) a community-based organization, nonprofit organization, or intermediary;

(iv) a private for-profit entity;

(v) a government agency; and

(vi) another interested organization or entity, which may include a local chamber of commerce or other business organization, or a labor organization.

(3) EXCEPTION.—Elementary schools and secondary schools shall not be eligible for designation or certification as onestop operators, except that nontraditional public secondary

schools and area career and technical education schools may be eligible for such designation or certification.

(4) **ADDITIONAL REQUIREMENTS.**—The State and local boards shall ensure that in carrying out activities under this title, one-stop operators—

(A) disclose any potential conflicts of interest arising from the relationships of the operators with particular training service providers or other service providers;

(B) do not establish practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training, and education services; and

(C) comply with Federal regulations, and procurement policies, relating to the calculation and use of profits.

(e) **ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEM.**—

(1) **IN GENERAL.**—There shall be established in each local area in a State that receives an allotment under section 132(b) a one-stop delivery system, which shall—

(A) provide the career services described in section 134(c)(2);

(B) provide access to training services as described in section 134(c)(3), including serving as the point of access to training services for participants in accordance with section 134(c)(3)(G);

(C) provide access to the employment and training activities carried out under section 134(d), if any;

(D) provide access to programs and activities carried out by one-stop partners described in subsection (b); and

(E) provide access to the data, information, and analysis described in section 15(a) of the Wagner-Peyser Act (29 U.S.C. 491–2(a)) and all job search, placement, recruitment, and other labor exchange services authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(2) **ONE-STOP DELIVERY.**—The one-stop delivery system—

(A) at a minimum, shall make each of the programs, services, and activities described in paragraph (1) accessible at not less than 1 physical center in each local area of the State; and

(B) may also make programs, services, and activities described in paragraph (1) available—

(i) through a network of affiliated sites that can provide 1 or more of the programs, services, and activities to individuals; and

(ii) through a network of eligible one-stop partners—

(I) in which each partner provides 1 or more of the programs, services, and activities to such individuals and is accessible at an affiliated site that consists of a physical location or an electronically or technologically linked access point; and

(II) that assures individuals that information on the availability of the career services will be available regardless of where the individuals initially enter the statewide workforce development system, including information made available through an access point described in subclause (I); (C) may have specialized centers to address special needs, such as the needs of dislocated workers, youth, or key industry sectors or clusters; and

(D) as applicable and practicable, shall make programs, services, and activities accessible to individuals through electronic means in a manner that improves efficiency, coordination, and quality in the delivery of one-stop partner services.

(3) **COLOCATION OF WAGNER-PEYSER SERVICES.**—Consistent with section 3(d) of the Wagner-Peyser Act (29 U.S.C. 49b(d)), and in order to improve service delivery, avoid

duplication of services, and enhance coordination of services, including location of staff to ensure access to services in underserved areas, the employment service offices in each State shall be colocated with one-stop centers established under this title.

**(4) USE OF COMMON ONE-STOP DELIVERY SYSTEM IDENTIFIER.—**

In addition to using any State or locally developed identifier, each one-stop delivery system shall include in the identification of products, programs, activities, services, facilities, and related property and materials, a common one-stop delivery system identifier. The identifier shall be developed by the Secretary, in consultation with heads of other appropriate departments and agencies, and representatives of State boards and local boards and of other stakeholders in the one-stop delivery system, not later than the beginning of the second full program year after the date of enactment of this Act. Such common identifier may consist of a logo, phrase, or other identifier that informs users of the one-stop delivery system that such products, programs, activities, services, facilities, property, or materials are being provided through such system. Nothing in this paragraph shall be construed to prohibit one-stop partners, States, or local areas from having additional identifiers.

**(f) APPLICATION TO CERTAIN VOCATIONAL REHABILITATION PROGRAMS.—**

**(1) LIMITATION.—**Nothing in this section shall be construed to apply to part C of title I of the Rehabilitation Act of 1973 (29 U.S.C. 741).

**(2) CLIENT ASSISTANCE.—**Nothing in this Act shall be construed to require that any entity carrying out a client assistance program authorized under section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732)—

(A) be included as a mandatory one-stop partner under subsection (b)(1); or

(B) if the entity is included as an additional one-stop partner under subsection (b)(2)—

(i) violate the requirement of section 112(c)(1)(A) of that Act (29 U.S.C. 732(c)(1)(A)) that the entity be independent of any agency that provides treatment, services, or rehabilitation to individuals under that Act; or

(ii) carry out any activity not authorized under section 112 of that Act (including appropriate Federal regulations).

**(g) CERTIFICATION AND CONTINUOUS IMPROVEMENT OF ONESTOP CENTERS.—**

**(1) IN GENERAL.—**In order to be eligible to receive infrastructure funding described in subsection (h), the State board, in consultation with chief elected officials and local boards, shall establish objective criteria and procedures for use by local boards in assessing at least once every 3 years the effectiveness, physical and programmatic accessibility in accordance with section 188, if applicable, and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and continuous improvement of one-stop centers and the one-stop delivery system, consistent with the requirements of section 101(d)(6).

**(2) CRITERIA.—**The criteria and procedures developed under this subsection shall include standards relating to service coordination achieved by the one-stop delivery system with respect to the programs administered by the one-stop partners at the one-stop centers. Such criteria and procedures shall—

(A) be developed in a manner that is consistent with the guidelines, guidance, and policies provided by the Governor and by the State board, in consultation with the chief elected officials and local boards, for such partners' participation under subsections (h)(1) and (i); and

(B) include such factors relating to the effectiveness, accessibility, and improvement of the one-stop delivery system as the State board determines to be appropriate, including at a minimum how well the one-stop center—

(i) supports the achievement of the negotiated local levels of performance for the indicators of performance described in section 116(b)(2) for the local area;

(ii) integrates available services; and

(iii) meets the workforce development and employment needs of local employers and participants.

(3) LOCAL CRITERIA.—Consistent with the criteria developed under paragraph (1) by the State, a local board in the State may develop additional criteria (or higher levels of service coordination than required for the State-developed criteria) relating to service coordination achieved by the one-stop delivery system, for purposes of assessments described in paragraph (1), in order to respond to labor market, economic, and demographic, conditions and trends in the local area.

(4) EFFECT OF CERTIFICATION.—One-stop centers certified under this subsection shall be eligible to receive the infrastructure funding described in subsection (h).

(5) REVIEW AND UPDATE.—The criteria and procedures established under this subsection shall be reviewed and updated by the State board or the local board, as the case may be, as part of the biennial process for review and modification of State and local plans described in sections 102(c)(2) and 108(a).

## **Appendix E**

### **Requirements for Cost Sharing Plan - Workforce Innovation and Opportunity Act Section 121(h)(i)**

(h) **FUNDING OF ONE-STOP INFRASTRUCTURE.**—

(1) **IN GENERAL.**—

(A) **OPTIONS FOR INFRASTRUCTURE FUNDING.**—

(i) **LOCAL OPTIONS.**—The local board, chief elected officials, and one-stop partners described in subsection (b)(1) in a local area may fund the costs of infrastructure of one-stop centers in the local area through—

(I) methods agreed on by the local board, chief elected officials, and one-stop partners (and described in the memorandum of understanding described in subsection (c)); or

(II) if no consensus agreement on methods is reached under subclause (I), the State infrastructure funding mechanism described in paragraph (2).

(ii) **FAILURE TO REACH CONSENSUS AGREEMENT ON FUNDING METHODS.**—

Beginning July 1, 2016, if the local board, chief elected officials, and one-stop partners described in subsection (b)(1) in a local area fail to reach consensus agreement on methods of sufficiently funding the costs of infrastructure of one-stop centers for a program year, the State infrastructure funding mechanism described in paragraph (2) shall be applicable to such local area for that program year and for each subsequent program year for which those entities and individuals fail to reach such agreement.

(B) **GUIDANCE FOR INFRASTRUCTURE FUNDING.**—In addition to carrying out the requirements relating to the State infrastructure funding mechanism described in paragraph (2), the Governor, after consultation with chief elected officials, local boards, and the State board, and consistent with the guidance and policies provided by the State board under subparagraphs (B) and (C)(i) of section 101(d)(7), shall provide, for the use of local areas under subparagraph (A)(i)(I)—

(i) guidelines for State-administered one-stop partner programs, for determining such programs' contributions to a one-stop delivery system, based on such programs' proportionate use of such system consistent with chapter II of title 2, Code of Federal Regulations (or any corresponding similar regulation or ruling), including determining funding for the costs of infrastructure, which contributions shall be negotiated pursuant to the memorandum of understanding under subsection (c); and

(ii) guidance to assist local boards, chief elected officials, and one-stop partners in local areas in determining equitable and stable methods of funding the costs of infrastructure of one-stop centers in such areas.

(2) **STATE ONE-STOP INFRASTRUCTURE FUNDING.**—

(A) **DEFINITION.**—In this paragraph, the term “covered portion”, used with respect to funding for a fiscal year for a program described in subsection (b)(1), means a portion determined under subparagraph (C) of the Federal funds provided to a State (including local areas within the State) under the Federal law authorizing that program described in subsection (b)(1) for the fiscal year

(taking into account the availability of funding for purposes related to infrastructure from philanthropic organizations, private entities, or other alternative financing options).

(B) PARTNER CONTRIBUTIONS.—Subject to subparagraph (D), for local areas in a State that are not covered by paragraph (1)(A)(i)(I), the covered portions of funding for a fiscal year shall be provided to the Governor from the programs described in subsection (b)(1), to assist in paying the costs of infrastructure of one-stop centers in those local areas of the State not adequately funded under the option described in paragraph (1)(A)(i)(I).

(C) DETERMINATION OF GOVERNOR.—

(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), the Governor, after consultation with chief elected officials, local boards, and the State board, shall determine the portion of funds to be provided under subparagraph (B) by each one-stop partner from each program described in subparagraph (B). In making such determination for the purpose of determining funding contributions, for funding pursuant to clause (i)(II) or (ii) of paragraph (1)(A) by each partner, the Governor shall calculate amounts for the proportionate use of the one-stop centers in the State, consistent with chapter II of title 2, Code of Federal Regulations (or any corresponding similar regulation or ruling), taking into account the costs of administration of the one-stop delivery system for purposes not related to one-stop centers, for each partner. The Governor shall exclude from such determination of funds the amounts for proportionate use of one-stop centers attributable to the programs of one-stop partners for those local areas of the State where the costs of infrastructure of one-stop centers are funded under the option described in paragraph (1)(A)(i)(I). The Governor shall also take into account the statutory requirements for each partner program and the partner program's ability to fulfill such requirements.

(ii) SPECIAL RULE.—In a State in which the State constitution or a State statute places policymaking authority that is independent of the authority of the Governor in an entity or official with respect to the funds provided for adult education and literacy activities authorized under title II, postsecondary career and technical education activities authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), or vocational rehabilitation services offered under a provision covered by section 3(13)(D), the determination described in clause (i) with respect to the programs authorized under that title, Act, or provision shall be made by the chief officer of the entity, or the official, with such authority in consultation with the Governor.

(D) LIMITATIONS.—

(i) PROVISION FROM ADMINISTRATIVE FUNDS.—

(I) IN GENERAL.—Subject to subclause (II), the funds provided under this paragraph by each onestop partner shall be provided only from funds available for the costs of administration under the program administered by such partner, and shall be subject to the program's limitations with respect to the portion of funds under such program that may be used for administration.

(II) EXCEPTIONS.—Nothing in this clause shall be construed to apply to the programs carried out under this title, or under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).

(ii) CAP ON REQUIRED CONTRIBUTIONS.—For local areas in a State that are not covered by paragraph (1)(A)(i)(I), the following rules shall apply: (I) WIA FORMULA PROGRAMS AND EMPLOYMENT SERVICE.—The portion of funds required to be contributed under this paragraph from a program authorized under chapter 2 or 3, or the Wagner-Peyser Act (29 U.S.C.

49 et seq.) shall not exceed 3 percent of the amount of Federal funds provided to carry out that program in the State for a fiscal year.

(II) OTHER ONE-STOP PARTNERS.—The portion of funds required to be contributed under this paragraph from a program described in subsection (b)(1) other than the programs described in subclause (I) shall not exceed 1.5 percent of the amount of Federal funds provided to carry out that program in the State for a fiscal year. (III) VOCATIONAL REHABILITATION.—

Notwithstanding subclauses (I) and (II), an entity administering a program described in subsection (b)(1)(B)(iv) shall not be required to provide from that program, under this paragraph, a portion that exceeds—

(aa) 0.75 percent of the amount of Federal funds provided to carry out such program in the State for the second full program year that begins after the date of enactment of this Act;

(bb) 1.0 percent of the amount provided to carry out such program in the State for the third full program year that begins after such date;

(cc) 1.25 percent of the amount provided to carry out such program in the State for the fourth full program year that begins after such date; and

(dd) 1.5 percent of the amount provided to carry out such program in the State for the fifth and each succeeding full program year that begins after such date.

(iii) FEDERAL DIRECT SPENDING PROGRAMS.—For local areas in a State that are not covered by paragraph (1)(A)(i)(I), an entity administering a program funded with direct spending as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, as in effect on February 15, 2014 (2 U.S.C. 900(c)(8)) shall not be required to provide, for purposes of this paragraph, an amount in excess of the amount determined under subparagraph (C)(i) to be equivalent to the cost of the proportionate use of the one-stop centers for the one-stop partner for such program in the State. (iv) NATIVE AMERICAN PROGRAMS.—One-stop partners for Native American programs established under section 166 shall not be subject to the provisions of this subsection (other than this clause) or subsection (i). For purposes of subsection (c)(2)(A)(ii)(II), the method for determining the appropriate portion of funds to be provided by such partners to pay for the costs of infrastructure of a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum.

(E) APPEAL BY ONE-STOP PARTNERS.—The Governor shall establish a process, described under section 102(b)(2)(D)(i)(IV), for a one-stop partner administering a program described in subsection (b)(1) to appeal a determination regarding the portion of funds to be provided under this paragraph. Such a determination may be appealed under the process on the basis that such determination is inconsistent with the requirements of this paragraph. Such process shall ensure prompt resolution of the appeal in order to ensure the funds are distributed in a timely manner, consistent with the requirements of section 182(e).

(3) ALLOCATION BY GOVERNOR.—

(A) IN GENERAL.—From the funds provided under paragraph (1), the Governor shall allocate the funds to local areas described in subparagraph (B) in accordance with the formula established under subparagraph (B) for the purposes of assisting in paying the costs of infrastructure of one-stop centers.

(B) ALLOCATION FORMULA.—The State board shall develop a formula to be used by the Governor to allocate the funds provided under paragraph (1) to local areas not funding costs of infrastructure under the option described in paragraph (1)(A)(i)(I). The formula shall be based on factors including the number of one-stop centers in a local area, the population served by such centers, the services provided by such centers, and other factors relating to the performance of such centers that the State board determines are appropriate.

(4) COSTS OF INFRASTRUCTURE.—In this subsection, the term “costs of infrastructure”, used with respect to a one-stop center, means the non-personnel costs that are necessary for the general operation of the one-stop center, including the rental costs of the facilities, the costs of utilities and maintenance, equipment (including assessment-related products and assistive technology for individuals with disabilities), and technology to facilitate access to the one-stop center, including the center’s planning and outreach activities.

(i) OTHER FUNDS.—

(1) IN GENERAL.—Subject to the memorandum of understanding described in subsection (c) for the one-stop delivery system involved, in addition to the funds provided to carry out subsection (h), a portion of funds made available under Federal law authorizing the programs described in subsection (b) and administered by one-stop partners, or the noncash resources available under such programs, shall be used to pay the additional costs relating to the operation of the one-stop delivery system that are not paid from the funds provided under subsection (h), as determined in accordance with paragraph (3), to the extent not inconsistent with the Federal law involved. Such costs shall include the costs of the provision of career services described in section 134(c)(2) applicable to each program and may include common costs that are not paid from the funds provided under subsection (h).

(2) SHARED SERVICES.—The costs described under paragraph (1) may include costs of services that are authorized for and may be commonly provided through the one-stop partner programs to any individual, such as initial intake, assessment of needs, appraisal of basic skills, identification of appropriate services to meet such needs, referrals to other one-stop partners, and other similar services.

(3) DETERMINATION AND GUIDANCE.—The method for determining the appropriate portion of funds and noncash resources to be provided by the one-stop partner for each program under paragraph (1) for a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum. The State board shall provide guidance to facilitate the determination, for purposes of the memorandum of understanding, of an appropriate allocation of the funds and noncash resources in local areas, consistent with the requirements of section 101(d)(6)(C).

## Appendix F

### Record of Planning and Grant Development Services

***Instructions:*** In the table below, enter all plans or grants that you have written, or significantly collaborated on, that resulted in the award of federal, state or private funding. Follow the instructions below pertaining to each column of the table. (Attach additional pages, if necessary.)

1.        Name of Grant or Plan:        *Indicate the name of the plan submitted or of the grant awarded.*
2.        Type of Grant or Plan:        *Indicate the purpose of the plan or grant.*
3.        Funder:        *Indicate the name of the organization that awarded the grant.*
4.        Funding Recipient:        *Indicate the name of the organization or individual that received funding as a result of the award of the plan or grant.*
5.        Dollar Amount Awarded:        *Indicate the amount of funds awarded as a result of the award of the plan or grant.*
6.        Date Awarded::        *Indicate the date that the funding recipient was authorized to begin to expend funding as a result of the award of the plan or grant.*

1. Name of Grant or Plan	2. Type Grant or Plan	3. Funder	4. Funding Recipient	5. Dollar Amount Awarded	6. Date Awarded

Total Funds Awarded: \_\_\_\_\_

## Appendix G

### Record of Attaining Awards of Recognition for Organization(s)

***Instructions:*** Any awards cited should be awarded to organizations or individuals for recognition of excellence by a third party which does not have an employer/employee relationship with the applicant. In the table below, enter all plans or grants that you have written, or significantly collaborated on, that resulted in the award of federal, state or private funding. Follow the instructions below pertaining to each column of the table. (Attach additional pages, if necessary.)

- |    |   |   |
|----|---|---|
| 1. | <u>Name of Award:</u>                         | <i>Indicate the name of the award.</i>  |
| 2. | <u>Type of Award:</u>                         | <i>Indicate the purpose of the award.</i>   |
| 3. | <u>Awarding Organization:</u>                 | <i>Indicate the name of the organization that issued the award.</i>                             |
| 4. | <u>Award Recipient:</u>                       | <i>Indicate the name of the organization or individual (and title) that received the award.</i> |
| 5. | <u>Dollar Amount Awarded (If applicable):</u> | <i>Indicate the amount of funds accompanying the award, if applicable.</i>                      |
| 6. | <u>Date Awarded:</u>                          | <i>Indicate the date that the award was announced.</i>  |

1. Name of Award	2. Type Award	3. Awarding Organization	4. Award Recipient	5. Dollar Amount Awarded	6. Date Awarded

Total Funds Awarded (If applicable): \_\_\_\_\_

## Appendix H

### Scope of Work – Services to Be Performed

#### i. Develop Local Plan

#	Task	Frequency	Applicant Agrees to Perform (Yes or No)
1.	Write Plan Narrative	New or updated annually	
2.	Work with Fiscal staff to prepare Plan Budget	New or updated annually	
3.	Draft cover memo for Supervisor’s signature	New or updated annually	
4.	Obtain signatures of Workforce Development Board (WDB) Chairperson and WDB Director	New or updated annually	
5.	Prepare Plan Summary for Public Notice	New or updated annually	
6.	Prepare Plan Summary and present to WDB	New or updated annually	
7.	Prepare Plan Summary and present to Youth Standing Committee (YSC)	New or updated annually	
8.	Respond to New York State Department of Labor (NYSDOL) comments and modify Plan	As required	

#### ii. Develop Regional Plan

#	Task	Frequency	Applicant Agrees to Perform (Yes or No)
1.	Write portion of Plan Narrative that pertains to the Hempstead/Long Beach Local Workforce Development Area	Annually	
2.	Prepare e-mail message for Plan submission	As required	
3.	Prepare Plan Summary and present it to the WDB	Annually	
4.	Respond to New York State Department of Labor comments and modify Plan	As required	

**iii. Assist in the Development and Adjustment of Operating Budget**

#	Task	Frequency	Applicant Agrees to Perform (Yes or No)
1.	Work with Fiscal Manager and staff to create Budget Template.	Annually	
2.	Create staff allocation percentages using enrollment numbers and in consideration of staff assignments	As required	
3.	Present budget to administration	As required	
4.	Adjust Budget Template to accommodate new grants	As required	
5.	Review Fiscal reports to ensure the following: <ul style="list-style-type: none"> <li>a. WIOA Administrative expenditures do not exceed 10% of the WIOA allocation;</li> <li>b. WIOA funds are obligated at a rate of no less than 80% (or the minimum percentage established by NYSDOL for the program year) at the end of the initial year of allocation;</li> <li>c. WIOA funds are obligated at a rate of no less than 100% at the end of the second year of allocation;</li> <li>d. 75% of WIOA Youth funds are spent on Out-of-School Youth;</li> <li>e. 20% of WIOA Youth funds are spent on Work Experiences;</li> <li>f. TANF Summer Youth Employment Program (SYEP) Administrative expenditures do not exceed 15% of the TANF allocation</li> </ul>	Monthly	
6.	Research New York State One-Stop Operating System (OSOS) Management Reports to ascertain enrollment information by WIOA Formula funding streams and In-School and Out-of-School Youth enrollments to be used for staff and overhead allocation methods	Quarterly	
7.	Answer inquiries from Fiscal Manager and staff regarding proper allocation methods for expenses	Daily	

**iv. Develop and Maintain Compliance Documents**

#	Task	Frequency	Applicant Agrees to Perform (Yes or No)
1.	Write One-Stop Operator Agreement	New or updated as required	
2.	Write One-Stop Partner Memoranda of Understanding (MOU)	New or updated as required	
3.	Work with Fiscal staff to prepare Cost Sharing Agreement for MOU	New or updated as required	
4.	Write cover letters for partners signatures on MOU	As required	
5.	Write cover letters for return of executed MOU	As required	
6.	Write meeting notice letters for MOU and Cost Sharing Plan development	As required	
7.	Explain MOU and Cost Sharing Plan to One-Stop Partners	As required	
8.	Record One-Stop Partner Meeting Minutes	As required	
9.	Create Recertification Process		
10.	Write One-Stop Recertification Application	As required	

**v. Develop and Maintain Manuals**

#	Task	Frequency	Applicant Agrees to Perform (Yes or No)
1.	Write Policy and Procedure Manual	Updated as required	
2.	Write Cost Allocation Plan	Updated annually	
3.	Write Procurement Manual (Procedures for Selecting Service Providers)	Updated annually	
4.	Write Property Management Manual	Updated annually	
5.	Write Audit Resolution Procedures Manual	Updated annually	
6.	Write Oversight (Monitoring) Manual	Updated annually	
7.	Compile Non-Discrimination		
8.	Compile Year-Round In-School and Summer Youth Employment Program Manual	Updated Annually	
9.	Design management information systems (MIS) forms and procedures	As required	

**vi. Conduct Procurement and Contracts**

#	Task	Frequency	Applicant Agrees to Perform (Yes or No)
1.	Create format for Request for Proposals (RFPs)	As required	
2.	Write Public Notice for RFPs	As required	
3.	Prepare elements of Procurement Files, including the following: a. Affidavit of Publication; b. RFP List; c. Cost Price Analysis; d. Selection Process; e. RFP Log; f. Award Letter(s); g. Rejection Letter(s); h. RFP Form; i. Proposals.	Annually	
4.	Write memo documenting selection process	As required	
5.	Modify contract boilerplate	As required	
6.	Insert specific contract details into contract boilerplates	As required	
7.	Write cover letters for contractor signatures	As required	
8.	Write cover letters for return of executed contracts	As required	
9.	Maintain Affidavit of Publication file	As required	

**vii. Develop and Manage Grants**

#	Task	Frequency	Applicant Agrees to Perform (Yes or No)
1.	Research grant opportunities	As required	
2.	Write grant proposal narratives	As required	
3.	Work with Fiscal Manager and staff to develop grant budgets	As required	
4.	Write sample letters of support and commitment	As required	
5.	Write grant cover letters	As required	
6.	Prepare grant proposal summaries	As required	
7.	Present grant proposal summaries to administration, grant partners and staff	As required	
8.	Complete grant compliance forms	As required	
9.	Complete fillable sections of grants contracts	As required	
10.	Write grant reports	As required	
11.	Develop agreements with grant partners	As required	

**viii. Write Special Reports and Correspondence**

#	Task	Frequency	Applicant Agrees to Perform (Yes or No)
1.	Write special reports, such as: <ul style="list-style-type: none"> <li>a. One-Stop Operator Report</li> <li>b. WDB Feedback to the One-Stop Operator Report</li> <li>c. Annual Report</li> <li>d. Return-On-Investment Report</li> <li>e. Decades Report</li> </ul>	Annually	
2.	Draft correspondence as directed by the Commissioner	Quarterly	

**ix. Analyze and Interpret Statutory, Regulatory and Policy Requirements and Reports**

#	Task	Frequency	Applicant Agrees to Perform (Yes or No)
1.	Read and develop and understanding of the following documents: <ul style="list-style-type: none"> <li>a. Federal statutes and regulations, such as WIOA and the Final Rule :</li> <li>b. State statutes and regulations, such as those pertaining to the State Labor Law;</li> <li>c. USDOL Training and Employment Guidance Letters (TEGLs) and Training and Employment Notices (TENs);</li> <li>d. NYSDOL Technical Advisories.</li> </ul>	As required	
2.	Train staff	As required	
3.	Answer questions and provide interpretations to administration and staff	As required	
4.	Review participant eligibility	As required	
5.	Analyze and interpret on Common Measures and Customer Service Indicator Reports	Monthly	

## **APPENDIX K**

## **Assurances (Mandated)**

Include, as “**Appendix I**” the following forms, signed by the appropriate official of your organization:

1. Assurances and Certifications
2. Equal Employment Opportunity and Non-Discrimination Policy Statement
3. Grievance Procedure
4. Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace
5. Responsibility Questionnaire
6. Certification (Only required if contractor’s chief executive officer does not sign contract)
7. Worker’s Compensation insurance and Disability Benefits
8. Certificate of Insurance

## ASSURANCES AND CERTIFICATIONS

I have read and understand the attached RFP/RFA package supplied by the Town of Hempstead and I have read my training institution's entire response thereto. I will abide by these documents and any contract subsequently negotiated will contain the material, terms, and conditions set forth within the complete RFP/RFA.

By the submission of this proposal, each offerer and each person signing on behalf of the offerer certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, under penalty of perjury, that to the best of such person's knowledge and belief:

1. That the offerer is ( ) is not ( ) (check one) a regular supplier of the services requested in this proposal.

2. That the offerer has ( ) has not ( ) (check one) employed or retained any company or person (other than a full-time bona fide employee working solely for the offerer to solicit or secure this contract; and

That it has ( ) has not ( ) (check one) paid or agreed to pay any company or person (other than a full-time bona fide employee working solely for the offerer) any fee, commission, percentage, or brokerage fee contingent upon or resulting from the award of this contract, and agrees to furnish information relating to these questions as requested by DOOR.

3. That the cost and pricing data submitted herewith is ( ) is not ( ) (check one) accurate, complete, and current as of the execution of this proposal.

4. That the cost and pricing data submitted does ( ) does not ( ) (check one) reflect the charges customarily imposed by the training institution.

a. The prices quoted and supplied in this proposal have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other offerer or competitor;

b. Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the offerer and will not knowingly be disclosed by the offerer prior to opening, directly or indirectly, to any other offerer or competitor;

c. No attempt has been made or will be made by the offerer to induce any other person, partnership, or corporation to submit or not to submit an offer for the purpose of restricting competition.

PLEASE NOTE: The fact that an offerer (a) has published price lists, catalogues, rates of tariffs concerning the goods or services contained in this proposal, (b) has informed prospective customers or purchasers of proposed or pending publication of new or revised price lists for such goods or services, or (c) has sold the same services or items to other customers at the same price bid, does not constitute, without more, a disclosure, within the meaning of this certification.

\_\_\_\_\_  
Signature of Official Authorized to Bind Offerer

\_\_\_\_\_  
Name, typed or printed

\_\_\_\_\_  
Position or Title

On this \_\_\_\_\_ day of \_\_\_\_\_ the above named individual personally appeared before me and being duly sworn did depose and say that he/she executed the foregoing Assurances and Certifications.

\_\_\_\_\_  
Notary Public

**TOWN OF HEMPSTEAD WORKFORCE DEVELOPMENT BOARD (WDB)/  
DEPARTMENT OF OCCUPATIONAL RESOURCES (DOOR)  
EQUAL EMPLOYMENT OPPORTUNITY (EEO) AND  
NON DISCRIMINATION POLICY**

- I. No person will be discriminated against on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief. Furthermore, no person will be excluded from participation in, denied the benefits of, or subject to discrimination under a Workforce Innovation and Opportunity Act (WIOA), Balanced Budget Act Welfare-to-Work (WtW) or Temporary Assistance to Needy Families (TANF) funded program, on the grounds of their citizenship, participation in WIOA, WtW, TANF, race, color, religion, sex, national origin, age, disability, political affiliation, or belief.
- II. The WDB and DOOR will not discriminate in the award of contracts on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, or citizenship.
- III. The WDB and DOOR will not discriminate on any prohibited grounds to: registrants, applicants, and eligible applicants/registrants; participants; applicants for employment and employees; unions or professional organizations that hold collective bargaining or professional agreements with the recipient; subrecipients that receive WIOA, WtW or TANF funds from the recipient; and members of the public including those with impaired vision or hearing.
- IV. WIOA, WtW and TANF financially assisted programs are equal opportunity programs and auxiliary aids and services are available upon request to individuals with disabilities.
- V. Services and information will be provided in languages other than English when there is a significant number or proportion of the population eligible to be served or likely to be directly affected by a WIOA, WtW or TANF financially assisted program or activity, that may need services or information in a language other than English.
- VI. The Town of Hempstead/City of Long Beach Local Workforce Development Area (LWDA) Equal Opportunity (EO) Officer who will be responsible for transmitting complaints of discrimination to the Director of Civil Rights Center is listed below:
- Name: Sal Scibetta  
Address: Town of Hempstead  
Department of Occupational Resources  
50 Clinton Street  
Suite 400  
Hempstead, New York 11550
- Telephone Number: (516) 485-5000
- VII. DOOR will monitor the EO compliance status of its subrecipients and annually. Periodic on site reviews of subrecipients will be conducted to assess their EO compliance posture, the results of which are communicated to the subrecipient in writing.

Received by \_\_\_\_\_  
(sign name)  
\_\_\_\_\_  
(print name)

Date \_\_\_\_\_

Rev. 05/23/05

**TOWN OF HEMPSTEAD DEPARTMENT OF OCCUPATIONAL RESOURCES  
RESOLUTION PROCEDURE FOR NON-CRIMINAL COMPLAINTS AND  
GRIEVANCES SUMMARY UNDER THE WORKFORCE INNOVATION AND  
OPPORTUNITY ACT OF 1998 (WIOA) AND THE BALANCED BUDGET ACT OF 1997  
AS AMENDED BY THE WELFARE-TO-WORK AND CHILD SUPPORT  
AMENDMENTS OF  
1999 (WtW)**

**INTRODUCTION**

The Department of Occupational Resources, as the Grant Subrecipient/Fiscal Agent for the Town of Hempstead/City of Long Beach Workforce Development Area maintains a “Complaint Resolution Procedure for Non-Criminal Complaints and Grievances” to receive and promptly investigate and resolve complaints and grievances about WIOA/WtW programs and activities. This local resolution process is for allegations of non-criminal violations of the WIOA/WtW statutes, regulations, grants, and other agreements. These procedures may be used by WIOA/WtW participants. WIOA/WtW staff members, Subgrantees, contractors, subcontractors, or other interested persons including the general public. Please note that special rules apply for complaints concerning discrimination and criminal activity.

**General Procedures For the Local Resolution of  
Non-Criminal And Non-Discrimination Complaints**

You have the right to file a complaint. The complaint must be in writing, signed by you, and filed within one year of the facts which give rise to the complaint. Prior to a formal hearing, the Department will attempt to resolve the matter both informally. You are entitled to a hearing held within 30 days of the complaint being filed. A written decision will be filed within 60 days of the complaint being filed. After a hearing and a decision, you have the right to appeal to the Governor of the State of New York. Appeals to the Governor are to be filed within 10 days of any adverse decision, or in the event the department fails to render a decision, within 10 days of the date when the decision should have been received. The Governor may be contacted as follows: Hon. David A. Paterson, New York State Workforce Development Board, A. E. Smith Office Building, Box 7105, Albany, New York, 12225.

**Discrimination Complaints**

Applicants, participants, and staff alleging discrimination based upon race, national origin, citizenship, sex, age, color, political affiliation, religious belief, or retaliation must file their complaints directly with the United States Department of Labor, Office of Civil Rights, within 180 days of the occurrence of the allegedly discriminatory action. A complaint may be filed by official form, letter, telephone call, or visit to: Director, Office of Civil Rights, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N4123, Washington, DC, 20210. Complaints alleging discrimination on the grounds of handicap will be received and processed on the local

level as part of the regular Workforce Development Area grievance process outlined above as “General Procedures.”

**Criminal Complaints**

All information and complaints involving fraud, abuse, or other criminal activity shall be reported directly and immediately to the United States Department of Labor, 200 Constitution Avenue, NW., Washington D.C. 20210. A duplicate notice should also be sent at the same time to the New York State Department of Labor, in care of State Representative, New York State Department of Labor, 303 W. Old Country Road, Hicksville, New York, 11801.

**WIOA/WtW Program Complaint Resolution Officer**

The WIOA/WtW Program Complaint Resolution Officer may be reached at the Department of Occupational Resources, 50 Clinton Street, 4th Floor, Hempstead, New York 11550, (516) 485-5000. The Grievance Officer will provide you with any forms or technical assistance which you may require in order to file or process a grievance or complaint. The WIOA Program Complaint Resolution Officer is also responsible for the receipt and resolution of complaints.

If your complaint is not WIOA/WtW-related, it will be referred to the appropriate agency or agencies. Your complaint may also involve or entitle you to recourse from other state or federal agencies pursuant to other state and federal laws.

To the maximum extent possible, the identity of a complainant will be kept confidential consistent with applicable law and a fair determination of the complaint. The making of a complaint will in no way affect your status or participation in or with the WIOA/WtW program.

If you have any questions concerning this procedure or wish to file a complaint or grievance, please contact the WIOA/WtW Complaint Resolution Officer.

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

**CERTIFICATION REGARDING LOBBYING, DEBARMENT, SUSPENSION AND OTHER  
RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Non-Procurement) and Government-wide Requirements for Drug-free Workplace (Grants)." The certification shall be treated as a material representation of fact upon which reliance will be placed with the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal Grant or cooperative agreement;
- (b) If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 84, Sections 85.105 and 85.110 -

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not, within a three-year period preceding this application and/or contract, had one or more public transactions, whether Federal, State or Local, terminated for cause or default; and been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted or otherwise criminally or civilly charged by a Government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph A(b) of this certification, and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE  
(GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 --

A. The applicant that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about--

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance program; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after having received notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 312A, GSA Regional Office Building No. 3), Washington, D.C. 20202-4571. Notice shall include the identification number of each affected grant.

Check here if there are any workplace on file that are not identified here.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certification.

NAME OF APPLICANT PROJECT NAME	PREAWARD NUMBER and/or
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

## RESPONSIBILITY QUESTIONNAIRE 7/13/06

### Instructions:

Please complete this form answering every question. A "Yes" answer to questions 1-22 requires a written explanation attached to the questionnaire and submitted on company letterhead signed by an officer of the company.

### Questions:

Within the past five years, has your firm, any affiliate, any principal, owner or officer or major stockholder (10% or more shares) or any person involved in the bidding or contracting process been the subject of any of the following:

(1) a judgment or conviction for any business-related conduct constituting a crime under local, state or federal law including, but not limited to, fraud, extortion, bribery, racketeering, price-fixing, or bid collusion or any crime related to truthfulness and/or business conduct?

Yes \_\_\_ No \_\_\_

(2) a criminal investigation or indictment for any business-related conduct constituting a crime under local, state or federal law including, but not limited to, fraud, extortion, bribery, racketeering, price-fixing, or bid collusion or any crime related to truthfulness and/or business conduct?

Yes \_\_\_ No \_\_\_

(3) an unsatisfied judgment, injunction or lien obtained by a government agency including, but not limited to, judgments based on taxes owed and fines and penalties assessed by any local, state or federal government agency?

Yes \_\_\_ No \_\_\_

(4) an investigation for a civil violation for any business related conduct by any local, state or federal agency?

Yes \_\_\_ No \_\_\_

(5) a grant of immunity for any business-related conduct constituting a crime under local, state or federal law including, but not limited to fraud, extortion, bribery, racketeering, price-fixing, or bid collusion or any crime related to truthfulness and/or business conduct?

Yes \_\_\_ No \_\_\_

(6) a local, state or federal suspension, debarment or termination from the contracting process?

Yes \_\_\_ No \_\_\_

(7) a local, state or federal contract suspension or termination for cause prior to the completion of the term of a contract?

Yes \_\_\_ No \_\_\_

(8) a local, state or federal denial of a lease or contract award for non-responsibility?

Yes \_\_\_ No \_\_\_

(9) an agreement to voluntary exclusion from bidding/contracting?

Yes \_\_\_ No \_\_\_

(10) an administrative proceeding or civil action seeking specific performance or restitution in connection with any local, state or federal contract or lease?

Yes \_\_\_ No \_\_\_

(11) a local, state or federal determination of a willful violation of any prevailing wage law or a violation of any other labor law or regulation?

Yes \_\_\_ No \_\_\_

(12) a sanction imposed as a result of judicial or administrative proceedings relative to any business or professional license?

Yes \_\_\_ No \_\_\_

(13) a denial, decertification, revocation or forfeiture of Women's Business Enterprise, Minority Business Enterprise or Disadvantaged Business Enterprise status?

Yes \_\_\_ No \_\_\_

(14) a rejection of a low bid on a local, state or federal contract for failure to meet statutory affirmative action or MWBE requirements on a previously held contract?

Yes \_\_\_ No \_\_\_

(15) a consent order with the New York State Department of Environmental Conservation, or a federal, state or local government enforcement determination involving a violation of federal, state or local government laws?

Yes \_\_\_ No \_\_\_

(16) an Occupational Safety and Health Act citation and Notification of Penalty containing a violation classified as serious or willful?

Yes \_\_\_ No \_\_\_

(17) a rejection of a bid on a New York contract or lease for failure to comply with the MacBride Fair Employment Principles?

Yes \_\_\_ No \_\_\_

(18) a citation, notice, violation order, pending administrative hearing or proceeding or determination for violations of

- federal, state or local health laws, rules or regulations
- unemployment insurance or workers' compensation coverage or claim requirements
- ERISA (Employee Requirement Income Security Act)
- federal, state or local human rights laws
- federal or state security laws
- federal INS and Alienage laws
- Sherman Act or other federal anti-trust laws?

Yes No

(19) a finding of non-responsibility by an agency or authority due to the failure to comply with the requirements of Tax Law Section 5-a?

Yes \_\_\_ No \_\_\_

**ADDITIONAL QUESTIONS**

(20) Has the vendor been the subject of agency complaints or reports of contract deviation received within the past two years for contract performance issues arising out of a contract with any federal, state or local agency? If yes, provide details regarding the agency complaints or reports of contract deviation received for contract performance issues.

Yes \_\_\_ No \_\_\_

(21) Does the vendor use, or has it used in the past five (5) years, an Employee Identification No., Social Security No., Name, DBA, trade name or abbreviation different from that listed on your mailing list application form? If yes, provide the name(s), FEIN(s) and d/b/a(s) and the address for each such company and d/b/a on a separate piece of paper and attach to this response.

Yes \_\_\_ No \_\_\_

(22) During the past three years, has the vendor failed to:

(a) File returns or pay any applicable local, state or federal government taxes?

Yes \_\_\_

No \_\_\_

If yes, identify the taxing jurisdiction, type of tax, liability year(s) and tax liability amount the company failed to file/pay and the current status of the liability: \_\_\_\_\_

(a) File returns or pay New York State Unemployment Insurance?

Yes \_\_\_ No \_\_\_

If yes, indicate the years the company failed to file/pay the insurance and the current status of the liability: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(23) Have any bankruptcy proceedings been initiated by or against the vendor or its affiliates within the past seven years (whether or not closed) or is any bankruptcy proceeding pending by or against the vendor or its affiliates, regardless of the date of filing?

Yes \_\_\_ No \_\_\_

If yes, indicate if this is applicable to the submitting vendor or one of its affiliates: \_\_\_\_\_

If it is an affiliate, include the affiliate's name and FEIN: \_\_\_\_\_

Provide the court name, address and docket number: \_\_\_\_\_

Indicate if the proceedings have been initiated, remain pending or have been closed: \_\_\_\_\_

If closed, provide the date closed: \_\_\_\_\_

### **CERTIFICATION:**

The undersigned: recognizes that this questionnaire is submitted for the express purpose of assisting the State of New York or its agencies or political subdivisions to make a determination regarding the award of a contract or approval of a subcontract; acknowledges that the State or its agencies and political subdivisions may in its discretion, by means which it may choose, verify the truth and accuracy of all statements made herein; acknowledges that intentional submission of false or misleading information may constitute a felony under Penal Law Section 210.40 or a misdemeanor under Penal Law Section 210.35 or Section 210.45, and may also be punishable by a fine of up to \$10,000 or imprisonment of up to five years under 18 USC Section 1001 and may result in contract termination; and states that the information submitted in this questionnaire and

The undersigned certifies that he/she:

Has not altered the content of the questions in the questionnaire in any manner;

Has read and understands all of the items contained in the questionnaire and any pages attached by the submitting vendor;

Has supplied full and complete responses to each item therein to the best of his/her knowledge, information and belief;

Is knowledgeable about the submitting vendor's business and operations;

Understands that New York State will rely on the information supplied in this questionnaire when entering into a contract with the vendor; and

Is under a duty to notify the procuring State Agency of any material changes to the vendor's responses herein prior to the State Comptroller's approval of the contract.

Name of Business Signature of Officer

Address Typed Copy of Signature

City, State, Zip Title

Principal place of business if different from address listed above (include complete address):

### **FEDERAL CERTIFICATIONS**

The funding for the awards granted under this contract is provided by the United States Department of Labor which requires the following certifications:

#### **A. NONDISCRIMINATION & EQUAL OPPORTUNITY ASSURANCE**

As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

(1) Section 188 of the Workforce Innovation and Opportunity Act of 1998 (WIOA) which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age disability, political affiliation, or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I -financially assisted program or activity;

- (2) Title VI of the Civil Rights Act of 1964, as amended which prohibits discrimination on the basis of race, color, and national origin;
- (3) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- (4) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
- (5) Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that it will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I - financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

**B. BUY AMERICAN NOTICE REQUIREMENT**

The grant applicant assures that, to the greatest extent practicable, all equipment and products purchased with funds made available under the Workforce Innovation and Opportunity Act will be American made. See WIOA Section 505 – Buy American Requirements.

**C. SALARY AND BONUS LIMITATIONS**

In compliance with Public Laws 110-161, none of the federal funds appropriated in the Act under the heading ‘Employment and Training’ shall be used by a subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A-133. See Training and Employment Guidance Letter number 5-06 for further clarification. Where applicable, the grant applicant agrees to comply with the Salary and Bonus Limitations.

**D. VETERANS’ PRIORITY PROVISIONS**

Federal grants for qualified job training programs funded, in whole or in part, by the U.S. Department of Labor are subject to the provisions of the “Jobs for Veterans Act” (JVA), Public Law 107-288 (38 USC 4215). The JVA provides priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services. Please note that to obtain priority service, a person must meet the program’s eligibility requirements. Training and Employment Guidance Letter (TEGL) No. 5-03 (September 16, 2003) and Section 20 of the Code of Federal Regulations (CFR) Part 1010 (effective January 19, 2009) provide general guidance on the scope of the veterans priority statute and its effect on current employment and training programs. Where applicable, the grant applicant agrees to comply with the Veteran’s Priority Provisions.

**STATE CERTIFICATIONS**

**E. CERTIFICATION REGARDING "NONDISCRIMINATION IN EMPLOYMENT IN NORTHERN IRELAND: MacBRIDE FAIR EMPLOYMENT PRINCIPLES"**

In accordance with Chapter 807 of the Laws of 1992 the bidder, by submission of this bid, certifies that it or any individual or legal entity in which the bidder holds a 10% or greater ownership interest, or any individual or legal entity that holds a 10% or greater ownership interest in the bidder, either: (answer Yes or No to one or both of the following, as applicable.)

- 1. Has business operations in Northern Ireland:  
 Yes  No

If Yes:

2. Shall take lawful steps in good faith to conduct any business operations they have in Northern Ireland in accordance with the MacBride Fair Employment Principles relating to nondiscrimination in employment and freedom of workplace opportunity regarding such operations in Northern Ireland, and shall permit independent monitoring of its compliance with such Principles.

\_\_\_\_\_ Yes \_\_\_\_\_ No

**F. NON-COLLUSIVE BIDDING CERTIFICATION**

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his or her knowledge and belief:

1. The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
2. Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
3. No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit to bid for the purpose of restricting competition.

I, the undersigned, attest under penalty of perjury that I am an authorized representative of the Bidder/Contractor and that the foregoing statements are true and accurate.

Signature of Authorized Representative \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

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## **STANDARD CLAUSES FOR NYS CONTRACTS**

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, "the contract" or "this contract") agree to be bound by the following clauses which are hereby made a part of the contract (the word "Contractor" herein refers to any party other than the State, whether a contractor, licenser, licensee, lessor, lessee or any other party):

### **1. EXECUTORY CLAUSE.**

In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

### **2. NON-ASSIGNMENT CLAUSE.**

In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the previous consent, in writing, of the State and any attempts to assign the contract without the State's written consent are null and void. The Contractor may, however, assign its right to receive payment without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

### **3. COMPTROLLER'S APPROVAL.**

In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed \$85,000 (State Finance Law Section 163.6.a).

### **4. WORKERS' COMPENSATION BENEFITS.**

In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

### **5. NON-DISCRIMINATION REQUIREMENTS.**

To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person

per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

## **6. WAGE AND HOURS PROVISIONS.**

If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law.

## **7. NON-COLLUSIVE BIDDING CERTIFICATION.**

In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

## **8. INTERNATIONAL BOYCOTT PROHIBITION.**

In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

## **9. SET-OFF RIGHTS.**

The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of setoff any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

## **10. RECORDS.**

The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, "the Records"). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term Page 2 June, 2006 specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

## **11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION.**

(a) FEDERAL EMPLOYER IDENTIFICATION NUMBER and/or FEDERAL SOCIAL SECURITY NUMBER. All invoices or New York State standard vouchers submitted for payment for the sale of goods or services or the lease of real or personal property to a New York State agency must include the payee's identification number, i.e., the seller's or lessor's identification number. The number is either the payee's Federal employer identification number or Federal social security number, or both such numbers when the payee has both such numbers. Failure to include this number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or New York State standard voucher, must give the reason or reasons why the payee does not have such number or numbers.

(b) PRIVACY NOTIFICATION. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law.

(2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in New York State's Central Accounting System by the Director of Accounting Operations, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

## **12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN.**

In accordance with Section 312 of the Executive Law, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein; and (c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. Contractor will include the provisions of "a", "b", and "c" above, in every subcontract over \$25,000.00 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. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State; or (iii) banking services, insurance policies or the sale of securities. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Governor's Office of Minority and Women's Business Development pertaining hereto.

### **13. CONFLICTING TERMS.**

In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

### **14. GOVERNING LAW.**

This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

### **15. LATE PAYMENT.**

Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

### **16. NO ARBITRATION.**

Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

### **17. SERVICE OF PROCESS.**

In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

## **18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS.**

The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of State Finance Law §165. (Use of Tropical Hardwoods) which prohibits purchase and Page 3 June, 2006 use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State. In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in §165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

## **19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES.**

In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

## **20. OMNIBUS PROCUREMENT ACT OF 1992.**

It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts. Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development Division for Small Business  
30 South Pearl St -- 7th Floor  
Albany, New York 12245  
Telephone: 518-292-5220  
Fax: 518-292-5884  
<http://www.empire.state.ny.us>

A directory of certified minority and women-owned business enterprises is available from:

NYS Department of Economic Development  
Division of Minority and Women's Business Development  
30 South Pearl St -- 2nd Floor  
Albany, New York 12245  
Telephone: 518-292-5250  
Fax: 518-292-5803  
<http://www.empire.state.ny.us>

The Omnibus Procurement Act of 1992 requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

- (a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;
- (b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;
- (c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New

York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and  
(d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

## **21. RECIPROCITY AND SANCTIONS PROVISIONS.**

Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

## **22. PURCHASES OF APPAREL.**

In accordance with State Finance Law 162 (4-a), the State shall not purchase any apparel from any vendor unable or unwilling to certify that: (i) such apparel was manufactured in compliance with all applicable labor and occupational safety laws, including, but not limited to, child labor laws, wage and hours laws and workplace safety laws, and (ii) vendor will supply, with its bid (or, if not a bid situation, prior to or at the time of signing a contract with the State), if known, the names and addresses of each subcontractor and a list of all manufacturing plants to be utilized by the bidder.

CERTIFICATION

I hereby certify that the following is a true copy of resolution duly adopted by the Board of Directors of \_\_\_\_\_, a domestic corporation, at a meeting held on \_\_\_\_\_ 20 \_\_\_\_, at which a quorum was present, that said resolution has not been rescinded or modified, and it still in full force and effect, that said resolution is not contrary to any provision in the Certificate of Incorporation or By-Laws of said corporation, and that said certification is made knowing that the Town of Hempstead Department of Occupational Resources at 50 Clinton St., Suite 400, Hempstead, New York, will rely upon this certification incident to the execution of any documents by \_\_\_\_\_ with respect to Contract No. \_\_\_\_\_ pertaining to \_\_\_\_\_

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RESOLVED, that \_\_\_\_\_ is hereby elected as \_\_\_\_\_ of \_\_\_\_\_ with full authority to enter into any agreement or transaction on behalf of the corporation.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Secretary)

(Seal)

Note. This form must be completed for all agreements that will be executed by an officer other than President or Superintendent.

### **Workers' Compensation Insurance and Disability Benefits**

Contracts awarded pursuant to this RFP will require the CONTRACTOR to secure and maintain Workers' Compensation Insurance and Disability Benefits as required by the State of New York for the life of this contract. In accordance with Workers' Compensation Law Sections 57 and 220(8), the contractor must be legally exempt from obtaining workers' compensation insurance coverage; or obtain such coverage from an insurance carrier; or be a Workers' Compensation Board approved self-insured employer or participate in an authorized group self-insurance plan. Proposals submitted in response to this RFP must include one of the following forms:

- (a) WC/DB-100, Affidavit for New York Entities with No Employees and Certain Out of State Entities, That New York State Workers' Compensation and/or Disability Insurance Coverage Is Not Required (Must be stamped as "received" by New York State Workers' Compensation Board); or
- (b) C-105.2 – Certificate of Workers' Compensation; or
- (c) SI-12 – Certificate of Workers' Compensation Self-Insurance.

In addition, proposals must include one of the following forms to DOOR:

- (a) DB-120.1 – Certificate of Disability Benefits Insurance; or
- (b) DB-155 - Certificate of Disability Benefits Self-Insurance.