



**Homeland Security  
and Emergency Services**

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

**2018  
Statewide Interoperable Communications  
Grant Program  
(Targeted Grant Program)**

**Request for Applications (RFA)**

**Application Deadline: August 31, 2018**

**Substantive written questions regarding this RFA will be accepted until 5:00PM EDT on August 17, 2018. RFA updates will be posted on August 24, 2018.**

Revision 0, July 17, 2018

# Revision History

<b>Revision #</b>	<b>Date</b>	<b>Description</b>	<b>Pages Affected</b>
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## I. General Information

### 1. Summary Description

The purpose of this Request for Applications (RFA) is to solicit applications for the 2018 Statewide Interoperable Communications Grant Program Targeted Grant Program (SICG-Targeted Program). Funding for the 2018 SICG-Targeted Program is distributed by an analysis of data related to the implementation of National Interoperability Channels in New York and provided by counties in the 2017 SICG-Formula grant applications and this RFA.

The goal of the 2018 SICG-Targeted program is to improve the overall status of land mobile radio interoperability for public safety agencies within New York as well as with other States, through implementing a targeted approach.

For the 2018 SICG Targeted Program, a total of \$65<sup>1</sup> million in funding is available for counties to improve infrastructure related to National Interoperability channels, which is a core tenet and feature of interoperability. Funding will be applied or distributed to counties, those of which were identified as areas with insufficient coverage and/or insufficient infrastructure of National Interoperability Channels. The maximum available award is \$6 million.

The SICG-Targeted Program is State support in the form of reimbursement for eligible expenses that concentrate on improving interoperability of communication systems in New York State. The funding is distributed based on the interoperability evaluation and gap analysis.

For public safety purposes, “interoperability” is defined as the ability of emergency responders to work seamlessly with other systems or products without any special effort. “Wireless communications interoperability” specifically refers to the ability of emergency response officials to share information via voice and data signals on demand, in real time, when needed, and as authorized.

Final awards are contingent upon 1) the submission of a completed application from the county that meets the Eligibility Criteria set in this RFA, and 2) an executed, reimbursement-based contract.

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<sup>1</sup> 2016 SICG Targeted Funding is \$25 million and 2017 SICG Targeted funding is \$20 million, 2018 SICG Targeted funding is \$20 million.

This document contains information about the 2018 SICG-Targeted Program rules and requirements, the types of expenses eligible for funding, and instructions for completing and submitting the grant application.

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

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

## **2. Goals and Objectives**

The Office of Interoperable and Emergency Communications (OIEC) seeks to ensure progress towards the goals and milestones described in the New York State Statewide Communications Interoperability Plan (SCIP) and toward communication priorities identified by the Federal government (i.e., SAFECOM Guidance). The SICG-Targeted Program focuses on closing gaps in National Interoperability channels implementation and enhancing regional alliance, ensuring that county communication systems are capable to support multijurisdictional response. The SICG-Targeted Program provides a way forward for providing a safer environment for public safety personnel, integration with other emergent technologies, and the ability to establish technology and performance standards.

The overall objective of the SICG-Targeted Program is to improve infrastructure related to National Interoperability channels, which is a core tenet and feature of interoperability.

### **The main goals of the SICG-Targeted Program:**

- **Implement Hailing and Command Channels Statewide on the infrastructure level** - National CALLing Interoperability Channels (VHF-Lo, VHF-Hi, UHF and 700/800MHz).
- **24/7 monitoring of CALLing channels** – monitoring can be performed by the State, regional interoperability centers and counties. This ensures that public safety responders, no matter where they travel in the State, have contact with a dispatcher to request help or instructions.

- **Backhaul enhancements** - communications network connectivity/backhaul within and between consortiums/regions (microwave, fiber, etc.)

**Additional/Subsequent Interoperability Enhancements:**

- Implementation of tactical channels (TAC-channels) on a statewide basis on the infrastructure
- Programming of CALLing and TACTical channels in subscriber equipment, upon DHSES OIEC review and approval of the programming template

Applicants for the 2018 SICG-Targeted Program must utilize non-proprietary, open standards-based technologies, and equipment.

**3. Grant Performance Period**

The period of performance for the 2018 SICG-Targeted Program is four (4) years from the execution of the contract, with the potential for extension. DHSES OIEC will assist counties with development of the project scope for the SICG Targeted Program.

**4. Funding**

The funding for this grant program is appropriated from the Public Safety Communications Account, established by New York State Finance Law Section 97-qq. For the 2018 SICG-Targeted Program, \$65 million has been appropriated.

**\$65 million is available for reimbursing county expenditures for the following purposes:**

- Implementation of Interoperability base station on the infrastructure (LFIRE4D, VCALL10, UCALL40D, 7CALL50D/8CALL90D (please note: all CALLing channels must be implemented in a direct mode);
- Implementation of Interoperability base stations on the infrastructure programmed with National Interoperability TACTical channels;
- New infrastructure and infrastructure improvements, as it relates to goals and objectives of this program;
- Technological updates and refresh of existing LMR systems, including equipment and software as it relates to goals and objectives of this program and to establish regional connectivity;
- Backhaul connectivity, as it related to goals and objectives of this program;

- Radio consoles and equipment necessary to monitor Interoperability channels at 911 centers; and/or
- Gateways and interconnection systems to establish regional connectivity between disparate LMR systems.

**DHSES reserves the right to release additional Requests for Applications until all available funds are expended.**

## **5. Award Distribution and Limitations**

The State intends to provide meaningful and fair access to this grant program to as many eligible applicants as possible. However, in view of the limited funds available, it is necessary to place certain limits on the distribution of awards.

Therefore, awards from the 2018 SICG-Targeted Grant will be distributed from funds, as available, according to these parameters:

- 1) No award will be in an amount greater than \$6 million;
- 2) Only one application will be accepted from each county; and
- 3) Counties submitting multiple applications will be disqualified.

Applicants are advised to read the description of the program and fully complete the category requirements.

## **6. Standards and Guidelines**

Eligible Applicants must comply with the following standards and guidelines, as applicable:

- 1) **NYS SCIP**  
<http://www.dhSES.ny.gov/oiec/interoperability-plans/>
- 2) **New York State Guidelines for Base Station Implementation of Interoperability and Common Channels in New York State**  
<http://www.dhSES.ny.gov/oiec/plans-policies-guidelines/>
- 3) **Channel Name and Use of Common Fire VHF Radio Frequency in New York**

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

**4) NYS Minimum Channel Programming of Interoperability and Common Channels for Public Safety Mobile and Portable Radios**

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

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

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

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

<http://www.dhSES.ny.gov/oiec/interoperability-plans/>

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

<http://www.dhSES.ny.gov/oiec/interoperability-plans/>

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

<http://www.dhSES.ny.gov/oiec/interoperability-plans/>

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

<http://www.safecomprogram.gov>

**10) SAFECOM Guidance**

<http://www.safecomprogram.gov>

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

SCIP, as well as DHSES/OIEC Grant Guidance for grant funding, requires that all interoperable communications equipment employ the use of APCO P-25 compliant equipment, a technology that allows the achievement of efficient emergency interoperable communications.

**12) APCO – Wireless 911 Deployment and Management Effective Practices Guide**

<https://www.apcointl.org/standards/>



**13)New York State 911 Standards**, including adoption of a law enforcement jurisdictional protocol that is used for all 911 calls and all emergency calls received by any other means dispatched for service.

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

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

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

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

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

NENA Standards related to NG-11 and PSAPs. See [www.nena.org](http://www.nena.org).

**17)APCO Project 36**

Universal Standards for Computer Aided Dispatch (CAD) and CAD-to-CAD exchanges <https://www.apcointl.org/standards/>

**18)APCO/CSAA 2.101.1-2008**

Alarm Monitoring Company to Public Safety Answering Point CAD External Alarm Interface Exchange (or Automated Secure Alarm Protocol) <https://www.apcointl.org/standards/>

## II. Eligibility

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

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

- Be a county government within New York State or New York City requesting funding for the benefit of the county as a single entity. Applications must be submitted by a county government. (The five boroughs which comprise New York City [Bronx, Kings, Queens, New York and Richmond] must apply as a single entity.)
- Be an active member of, or demonstrate a commitment to, at least one New York State Regional Interoperable Communications Consortium. The consortium must consist of two or more counties; be formed to promote multijurisdictional (two or more) and multidisciplinary (two or more) public safety communications and interoperability (e.g., law enforcement, fire service, emergency medical, emergency management, public health, public works, and communication centers); and support New York state agencies. If a county is not a current member of a consortium, the commitment to participate in a consortium must be in effect and certified within 120 days of notice of potential award. A county's failure to certify a consortium commitment will result in forfeiture of the award.
- Have established, or will establish within 120 days of the potential notice of award, a single point of contact (the Interoperability Coordinator), to oversee the applicant county's interoperability efforts and coordinate interoperability and communication projects. Counties are expected to keep this information up to date and readily available to DHSES upon request.
- Affirmatively agree to accessibility for other jurisdictions and levels of government, including State agencies, to share communications systems to achieve further statewide cross-jurisdictional and intergovernmental interoperability goals and objectives. This assures the formation of strong cross-jurisdictional and multigovernmental interoperability and system(s) accessibility across counties, regions, and State agencies. For example, in order to provide accessibility, a county must reserve a space on newly built towers and/or reserve channels/talk groups for public safety State operations.
- Permit DHSES employees and authorized users to transmit on radio channels utilized by public safety radio systems established within the county in order to implement cooperative use of interoperable radio communications in times of emergency, assistance, or otherwise agreed upon cooperation. As an exception, law enforcement channels may be used under other special needs and circumstances.

The applicant county will provide programming information and reasonable assistance to DHSES to assist in fulfilling this requirement.

- Allow for other public safety/public service agencies (including State agencies and authorities) and jurisdictions in its region to operate on county's radio system(s) when required for incident response, regardless of the total percentage of system funding the county is receiving from the State. As part of this process, the county will cooperate with these agencies and jurisdictions in planning and integrating radios, programming, identifiers, and radio procedures.
- Dedicate funding (including amounts from any and all sources, such as county funding, this grant program, federal funding, etc.) to improve governance structure, develop Standard Operating Procedures (SOPs), and strengthen training and exercise programs to promote efficient interregional communications, interoperability, cooperation, and overall first responder readiness. The State recognizes the significance of governance and leadership as a foundation of public safety interoperable communications. Therefore, establishing and/or formalizing governance structure, governance agreements, procedures, and other documents will build higher levels of interoperability across the State between multiple jurisdictions and agencies. Establishing training and exercise programs will assist in achieving a high level of readiness and preparedness of public safety officers.
- Ensure that new LMR trunked systems and equipment be public safety grade P-25 Phase 2 compliant. The applicant county must agree that new LMR systems will be public safety grade operated as P-25 Phase 1 or Phase 2. All subscriber equipment purchased must support and contain all hardware and/or software options to operate P-25 Phase 1 at the time of purchase. Additionally, all subscriber equipment that operates on, or may operate on (through software options, programming, or other methods) trunking system(s) must contain Phase 2 hardware and/or software options at time of purchase.
  - Note: this requirement does not preclude the limited expansion of existing conventional systems in analog mode, although subscriber equipment must still adhere to the requirements above. Also, as directed by guidelines published by OIEC and DHS's National Interoperability Field Operations Guide, VHF, UHF, and 800 MHz National Interoperability and State Common Channels equipment must meet the above requirements, regardless of how they will be operated in analog mode on those channels.
    - Exception: VHF "low band" (e.g., 30-50 MHz) equipment purchased as part of an existing system may be purchased and operated as analog only.
- Utilize Advanced Encryption Standard-256 if encryption is utilized.

- Implement and/or maintain interoperability channels on the infrastructure/system and program interoperability channels in public safety subscriber equipment. Interoperability base stations for VHF, UHF, 700, and 800 MHz National Interoperability and State Common Channels must operate in accordance with guidelines published by OIEC (<http://www.dhSES.ny.gov/oiec/plans-policies-guidelines/>).
- Input and maintain up-to-date information in CASM.
- Be National Incident Management System (NIMS) compliant.
- Include only those costs deemed permissible under the grant.
- Submit the application by the method identified in the RFA.
- Submit the application on time by the established deadline.
- Utilize open-standard/vendor-neutral technologies and equipment.
- Comply with Minority-and-Women-Owned Business Enterprises (MWBE) and Equal Employment Opportunity (EEO) Requirements. DHSES recognizes its obligation under New York State Executive Law Article 15-A to promote opportunities for the participation of certified minority-and women-owned business enterprises, as well as the employment of minority group members and women in the performance of DHSES contracts. All DHSES grant contracts require grant recipients to document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of grant contracts, as well as the employment of minority group members and women. Applicants must submit both a 1) Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form, and 2) MWBE Equal Employment Opportunity Staffing Plan after award announcement.
- Agree to provide DHSES, upon request at any time during the life of the grant contract, such cooperation and information deemed necessary by DHSES to ascertain: 1) the nature and extent of any threats or hazards that may pose a risk to the recipient or subrecipient; and 2) the status of any corresponding recipient or subrecipient plans, capabilities, or other resources for preventing, protecting against, mitigating, responding to, and recovering from such threats or hazards.
- Agree to attend and participate in any DHSES-sponsored conferences, training, workshops, or meetings (excluding those identified by DHSES as voluntary) that may be conducted, by and at the request of DHSES, during the life of the grant contract.<sup>2</sup>

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

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<sup>2</sup> Pursuant to Article 26 of New York State Executive Law, DHSES is authorized to undertake periodic drills and simulations designed to assess and prepare responses to terrorist acts or threats and other natural and man-made disasters.

### III. Authorized Program Expenditures

#### 1. Permissible Costs

All permissible expenses must directly correlate to the Grant Goals and Objectives stated in this RFA. Permissible costs include, but are not limited to, the categories below. DHSES has sole discretion in determining which costs are permissible.

##### Equipment, Infrastructure, and Technology

- Land Mobile Radio System components (e.g. microwave, base stations, antennas, etc.), as it relates to the implementation of interoperability;
- Towers, as it relates to the implementation of interoperability;
- Upgrade of 911 radio equipment and consoles to allow continuous monitoring of National Interoperability channels, as it relates to the implementation of interoperability;
- Shelters, as it relates to the implementation of interoperability;
- Gateways, as it relates to the implementation of interoperability;
- Backup power, as it relates to the implementation of interoperability;
- Fiber and microwave connectivity (i.e. backhaul), as it relates to the implementation of interoperability;
- Tower site security, as it relates to the implementation of interoperability; and
- Other LMR related expenses, as it relates to the implementation of interoperability.

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

- Services related to developing, designing, and implementing an interoperability network and interoperable system development; and
- Project management and administration costs associated with the development and deployment of National Interoperability channels implementation.

#### 2. Impermissible Costs

- Proprietary technologies;
- Salaries, overtime, fringe, indirect, or travel expenses associated with existing or on-going operations;
- Paging receivers;
- Broadband;
- CAD systems and software;

- PSAP furniture, including dispatch furniture;
- Emergency Services IP network (ESInet);
- Debt service or local municipal bond funding;
- LMR maintenance;
- Recurring commercial service costs, such as cellular voice, data or leased time; and
- Out of State travel expenses to conferences, meetings, training sessions, etc.

## IV. Application Guidelines

All grant application documents must be submitted via email to [Grant.Info@dhses.ny.gov](mailto:Grant.Info@dhses.ny.gov) by **5:00PM EDT on August 31, 2018**.

All applicants must complete the 2018 SICG-Targeted Program application in its entirety. Only one application can be submitted from each county. Counties submitting multiple applications will be disqualified. All information, affirmations, and certifications will be treated as material representations of fact which DHSES will rely on in awarding grants. The RFA package consists of RFA Instructions, RFA Application, and Attachments (optional).

Applicants must complete all sections of the application as described below. Attention should be given to the completeness and specificity of the responses.

Indicate if a statement or question is not relevant to your agency or application.

Due to the complexity of the SICG-Targeted Program, DHSES OIEC personnel will assist each county individually or regionally in development of the project scope for this grant.

At the end of the application period DHSES OIEC will contact each applicant county individually to verify the data submitted in the application and start development of the project scope.

## V. Funding Distribution

Funding distribution is based on a two-tiered approach:

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

Tier 2 – Interoperability Evaluation and Gap Analysis of interoperability infrastructure and coverage across the State.

## **VI. Application Evaluation**

The following multi-tiered criteria will be used by DHSES to evaluate each application and to determine eligibility of applications and award distribution.

### **A. Tier 1 Criteria – Eligibility Requirements**

Tier 1 criteria are rated either “yes” or “no” and serve as a baseline by DHSES to determine if applicants are eligible and have appropriately submitted all the required application materials. If any of the answers are “no,” the application will not be considered for funding.

In addition to the criteria listed in the 2018 SICG-Targeted Application document, the following factors will be taken into consideration:

1. Was the application submitted on time?
2. Was the application complete?
  - a. Signed Application Cover page (PDF); and
  - b. 2018 SICG-Targeted Application Worksheet (Microsoft Word document).
3. Did the application meet the eligibility requirements?

### **B. Tier 2 Criteria - Interoperability Evaluation and Gap Analysis.**

Applications that meet the Tier 1 review will be included in the Tier 2 funding distribution. Tier 2 is based on specific factors, including verifiable and auditable information a county provides in its application.

Distribution of funding for the SICG-Targeted Program is based on overall interoperability evaluation and gap analysis. Interoperability evaluation is conducted utilizing a combination of the data submitted by the counties in 2017 SICG-Formula applications, 2018 SICG-Targeted applications, and direct communications with counties during data verification and validation process. Specifically, DHSES OIEC will evaluate the implementation of Interoperability (I/O) base stations on the infrastructure level. Three levels of implementation have been captured for all frequency bands: (1) I/O base stations implemented on the infrastructure level; (2) I/O base stations are in the process to be implemented; and (3) I/O base stations are not implemented on the infrastructure level and the implementation process has not begun.

There are five (5) frequency bands with pre-identified National I/O channels: Low-VHF band, Hi-VHF band, UHF band, 700MHz band, and 800MHz band. The roll-out of the SICG-Targeted Program with its intended purposes will be commenced in stages.

The program takes a two-pronged approach to accomplish interoperability across the state by setting primary and secondary goals.

**Primary Goal:**

The highest priority and first stage verification and validation of data will be given to counties without any I/O channels implemented on the infrastructure level. Many NY State counties and State agencies are operating in Hi-VHF spectrum band; supplementary priority attention will be given to VHF I/O channels. 800MHz I/O channel implementation will also be incorporated with a lower priority mark. UHF and 700MHz I/O channels will be targeted at the next phase of the grant program or in parallel, as funding and infrastructure allow.

**Secondary Goal:**

Additional consideration will be given to counties that buildout all but one interoperability band or require the establishment of monitoring for already installed interoperability channels. Working with counties to complete the installation of the remaining CALLing channels and corresponding tactical channels will allow the State to accomplish buildout of interoperability channels in all bands on the regional basis and thus greatly improve regional interoperability.

Due to the complexity and specific nature of this grant, DHSES OIEC will assist counties individually or on a regional basis with development of their project scope.

## **VII. Application Submission**

Applications must be received **via email by 5:00PM EDT on August 31, 2018**. Late applications will not be considered for funding. Applicants must follow directions for submission of applications provided in this RFA.

- 1) The application must be completed with the forms provided. Applications received in any other form or format will not be accepted.
- 2) All fields of the application must be completed.



- 3) The application package must be submitted in electronic format to [Grant.Info@dhses.ny.gov](mailto:Grant.Info@dhses.ny.gov) and consist of the following:
- a. Scanned copies of Application Cover Page, i.e. Signature Page (pages 4 & 5 of 2018 SICG-Targeted Application Worksheet document), as a PDF file named “**2018 SICG-Targeted\_ County Name\_ Signature.**”
  - b. 2018 SICG-Targeted Application Worksheet, as a Microsoft Word Document, with the following name: “**2018 SICG-Targeted\_ County Name.**”

Submit complete application package via email [Grant.Info@dhses.ny.gov](mailto:Grant.Info@dhses.ny.gov).  
Partial submissions will not be accepted.

## VIII. Award of Funds

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

Per New York State Finance Law Section 163 (9)(f), State contracting entities (in this case, the awardee county) may only award contracts to responsible vendors. A responsible vendor must have the:

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

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

**Suspension of Work for Non-Responsibility:** The Commissioner of DHSES or his or her designee, in his or her sole discretion, reserves the right to suspend any or all activities under a contract, at any time, when he or she discovers information that calls into question the responsibility of the awardee and its vendors. In the event of such suspension, the vendor will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the awardee and the vendor must comply with the terms of the suspension order. Contract activity may resume at such time as the Commissioner of DHSES or his or her designee issues a written notice authorizing the resumption of performance under the contract.

**Termination for Non-Responsibility:** Upon written notice to the vendor, and a reasonable opportunity to be heard by appropriate DHSES officials or staff, the contract may be terminated by the Commissioner of DHSES or his or her designee at the vendor's expense where the vendor is determined by the Commissioner of DHSES or his or her designee to be non-responsible. In such event, the Commissioner of DHSES or his or her designee may complete the contractual requirements in any manner he or she may deem advisable and pursue legal or equitable remedies for such breach.

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

DHSES will negotiate and develop a grant contract with the awardee county based on the contents of the county's submitted application and the intent of the grant program as outlined in this RFA. The grant contract is subject to approval by the NYS Office of the Attorney General and the Office of the State Comptroller before grant funding may be disbursed to reimburse project expenses.

The period of performance for 2018 SICG-Targeted Program is four (4) years from the origination of the contract, with the potential for extension. DHSES OIEC will assist counties with development of the project scope for the SICG Targeted Program.

### **A. Issuing Agency**

This RFA is issued by DHSES, which is responsible for the requirements specified herein and for the evaluation of all applications.

### **B. Filing an Application**

Grant applications must be submitted via email to the Grants Program Administration unit of DHSES. Completed applications, along with any required documentation, must be submitted to [Grant.Info@dhses.ny.gov](mailto:Grant.Info@dhses.ny.gov) by the application deadline.

### **C. Reserved Rights**

DHSES reserves the right to:

1. Reject any or all applications received in response to this RFA;
2. Withdraw the RFA at any time, at DHSES's sole discretion;
3. Disqualify any applicant whose conduct and/or application fails to conform to the material requirements of this RFA;
4. Award more than one or no contracts, in whole or in part, resulting from this RFA;

5. Make amendments and/or alter funding levels of any recipient based on any new information discovered that would have originally affected the scoring;
6. Waive or modify minor irregularities in applications received after prior notification to the applicant;
7. Adjust or correct cost figures with the concurrence of the applicant if errors exist and cannot be documented to the satisfaction of DHSES and the State Comptroller;
8. Work with applicants responding to this RFA within the requirements to serve the best interests of the State;
9. Award grants based on the best interests of the State;
10. Change any of the scheduled dates;
11. Amend the specifications after release with appropriate notice on the DHSES website. The applicant, however, shall remain solely responsible to check the website periodically for updates and conform to such requirement prior to the final deadline; seek clarifications and revisions of applications; cancel or modify contracts due to the insufficiency of appropriations;
12. Award grants based on geographic or regional considerations to serve the best interests of the State;
13. Eliminate mandatory requirements unmet by all applicants;
14. Waive any requirement that is not material;
15. Terminate, renew, amend or renegotiate contracts with recipients at the discretion of DHSES;
16. Use application information obtained through site visits, management interviews, and the state's investigation of an applicant's qualifications, experience, ability or financial standing, and any material submitted by the applicant in response to the agency's request for clarifying information during the evaluation and/or selection under the RFA.
17. Utilize any and all ideas submitted in the proposals received from the applicants;
18. Periodically monitor the awardee's performance of all activities in the contract;
19. Revoke funds awarded to an applicant, or enforce any available sanction against any applicant who materially alters the activities, is in material noncompliance under the grant award, or who does not implement an approved project within 60 days of the final contract approval;
20. Not fund any application that fails to submit a clear and concise work plan and/or budget.
21. Consider all applications and documentation submitted as State agency records subject to the New York State Freedom of Information Law (Public Officers Law, Article 6). Any portion of the application that an applicant believes constitutes proprietary information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the application. If DHSES agrees with the proprietary claim, the designated portion of the application will be withheld from public disclosure. Recipients funded through this program agree to provide DHSES, upon request at any time during the life of the grant contract, such cooperation and information deemed necessary by DHSES to ascertain: (a) the nature and

- extent of any threats or hazards that may pose a risk to the recipient or recipient; and (b) the status of any corresponding recipient or recipient plans, capabilities, or other resources for preventing, protecting against, mitigating, responding to, and recovering from such threats or hazards;
22. Increase or decrease the total funding available for this program at any time, resulting in more or fewer applications funded under this RFA and DHSES's sole discretion; and
  23. Disqualify applicants due to untimely submission of any requested supporting documentation.

#### **D. Terms of the Contract**

Any resulting contract or agreement for more than \$50,000 from this RFA will be effective only upon approval by both the NYS Office of the Attorney General and State Comptroller. Any resulting contract for up to \$50,000 from this RFA will be effective upon signature of DHSES and the Grantee.

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

##### **1. Standard Cost Reimbursement Contract**

Each successful applicant must enter a standard cost reimbursement contract with DHSES. Such contract will include this RFA, the successful applicant's proposal, any attachments or exhibits, and the standard clauses required by the NYS Attorney General for all State contracts (available upon request). Although the contract format may vary, the contract will include such clauses, information, rights, and responsibilities as found on the DHSES website (<http://www.dhSES.ny.gov/grants/forms-egrants.cfm>), including:

- APPENDIX A-1 – Agency Specific Clauses
- APPENDIX B – Budget
- APPENDIX C – Payment and Reporting Schedule
- APPENDIX D – Work plan/Special Conditions

For purposes of this RFA, these terms and conditions are incorporated by reference and the applicant must agree to the inclusion of all these terms and conditions in any resulting grant contracts as part of the application submission. Payments will be made subject to proper documentation and compliance with reimbursement procedures and all other contractual requirements.

##### **2. Procurements**

Applicant counties must follow and comply with all procurement procedures under General Municipal Law 5-A.

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

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

For purposes of this solicitation, applicants and subrecipients are hereby notified that the State of New York has set an overall goal of **30% for MWBE participation** or more, **15% for Minority-Owned Business Enterprises (MBE)** participation and **15% for Women-Owned Business Enterprises (WBE)** participation, based on the current availability of qualified MBEs and WBEs for your project needs.

### **Use of Service-Disabled Veteran-owned Business Enterprises in Contract Performance**

Article 17-B of the Executive Law enacted in 2014 acknowledges that Service-Disabled Veteran-Owned Businesses (SDVOBs) strongly contribute to the economics of the State and the nation. As defenders of our nation and in recognition of their economic activity in doing business in New York State, Grant recipients are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the contract. Such partnering may be as vendors, contractors, subcontractors, suppliers, protégés, or other supporting roles. SDVOBs can be readily identified on the directory of certified businesses at <https://online.ogs.ny.gov/SDVOB/search>.

Applicant counties need to be aware that all authorized users of this contract will be strongly encouraged to the maximum extent practical and consistent with legal requirements of the applicable laws to use responsible and responsive SDVOBs in purchasing and utilizing commodities, services, and technology that are of equal quality and functionality to those that may be obtained from non-SDVOBs. Utilizing SDVOBs in State contracts will help create more private sector jobs, rebuild New York State's infrastructure, and maximize economic activity to the mutual benefit of the contractor and its SDVOB partners. SDVOBs will promote the recipient's optimal performance under the contract, thereby fully benefiting the public-sector programs that are supported by associated public procurements.

Public procurements can drive and improve the State's economic engine through promotion of the use of SDVOBs by its contractors. The State, therefore, expects awardee counties to provide maximum assistance to SDVOBs in their contract performance. The potential participation by all kinds of SDVOBs will deliver great value to the State and its taxpayers.

For purposes of this solicitation, applicants and subrecipients are hereby notified the State of New York has set an overall goal of 6% for SDVOB participation or more.

Grant recipients will report on actual participation by each SDVOB during the term of the contract to DHSES per the policies and procedures set DHSES.

Applicants are reminded that they must continue to utilize small, minority, and women-owned businesses consistent with current State law. A business enterprise can be either a MWBE or a SDVOB for the purposes of achieving the set goals of MWBE and SDVOB participation, but not both.

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

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

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

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

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

### **3. Satisfactory Progress**

Satisfactory progress toward implementation includes, but is not limited to: executing contracts and submitting payment requests in a timely fashion; retaining consultants; or completing plans, designs, reports, or other tasks identified in the work program within the time allocated for their completion.

DHSES may revoke awarded funds if satisfactory progress is not being made on the implementation of a grant project.

### **F. General Specifications**

By submitting the application, the applicant county attests that:

- 1) Applicant county's signatory contact person has express authority to submit on behalf of the applicant's county;
- 2) Submission of an application indicates the applicant county's acceptance of all conditions and terms contained in this document, including Appendices A-1 and C, and all other terms and conditions of the award contract;
- 3) The application and any resulting grant, if awarded, must adhere to, and be in full compliance with any, resulting contract(s), and relevant federal and State policies and regulations or be subject to termination; and
- 4) Any not-for-profit recipients or subrecipients are required to be prequalified, prior to contract execution, by the State of New York upon application submission through the New York State Grants Gateway (<https://grantsgateway.ny.gov>).

### **G. Special Conditions**

#### **New York State Emergency Management Certification and Training Program**

1. A mandatory requirement under the resulting contract and a condition of funding is the county's participation in, and successful completion of, the New York State Emergency Management Certification and Training Program (EMC Training Program). The EMC Training Program will be made available to, and required for, DHSES-specified county and city government officials in order to ensure a consistent emergency management preparedness and response strategy across the State. Attendee substitutions, except as expressly approved by DHSES, shall not be permitted or deemed to be in compliance with this requirement.
  - a. To fulfill the EMC Training Program requirement of the resulting contract and in order to be eligible for funding under the resulting contract, the awardee county must arrange for DHSES-specified county employees to receive and acknowledge receipt of EMC Training no later than 180 days after execution of the contract. Copies of the training certificates for each required participant must be submitted to

DHSES upon execution of the contract, or, in the event that training is scheduled, but not yet complete, the awardee county will be required to submit a signed statement indicating the scheduled future dates of attendance, and no later than thirty (30) days after the training is complete, forward such training certificates to DHSES. Continued compliance with the EMC Training Program also requires an annual refresher training of one day per 365 day-cycle from the date of initial training for previously trained individuals if such person remains employed by the Awardee and fulfilling the same functions as he or she fulfilled during the initial training. Should a new employee be designated to serve in the DHSES-specified positions, then he or she must come into compliance with the EMC Training Program requirements not later than 180 days after taking office.

2. Awardees must commit to active participation in a DHSES Annual Capabilities Assessment as a condition of funding. Active participation includes making reasonable staff, records, information, and time resources available to DHSES to perform the Annual Capabilities Assessment and meet the objectives and goals of the program. SICG-Targeted Grant recipients must be aware that the process of conducting a DHSES Annual Risk Assessment is an ongoing process and requires a continued commitment on the part of the Awardee to ensure that it is effective.
3. All recipients and subrecipients funded through this program agree to provide DHSES, upon request at any time during the life of the grant contract, such cooperation and information deemed necessary by DHSES to ascertain: 1) the nature and extent of any threats or hazards that may pose a risk to the recipient or sub-recipient; and 2) the status of any corresponding recipient or sub-recipient plans, capabilities, or other resources for preventing, protecting against, mitigating, responding to, and recovering from such threats or hazards.
4. Additionally, pursuant to Article 26 of the NYS Executive law, DHSES is authorized to undertake periodic drills and simulations designed to assess and prepare responses to terrorist acts or threats and other natural and man-made disasters. Funded recipients and subrecipients agree to attend and participate in any DHSES-sponsored conferences, training, workshops or meetings (excluding those identified by DHSES as voluntary) that may be conducted, by and at the request of DHSES, during the life of the grant contract.
5. Failure to comply with any of the requirements, as listed above, may result in sanctions up to and including the immediate suspension and/or revocation of the grant award.



## X. Questions

Questions regarding the 2018 SICG-Targeted Program should be directed to the following email address: [Grant.Info@dhses.ny.gov](mailto:Grant.Info@dhses.ny.gov). To the degree possible, each inquiry should cite the RFA section and paragraph to which it refers. Updates and frequently asked questions will be posted online at <http://www.dhses.ny.gov/oiec/grants/>. Please check the website frequently for updates.

To set up a meeting or a conference call with DHSES OIEC personnel regarding SICG-Targeted project development, please contact Larissa Guedko at [Larissa.Guedko@dhses.ny.gov](mailto:Larissa.Guedko@dhses.ny.gov) or by phone (518) 322-4912.