



**Homeland Security
and Emergency Services**

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

2021-22

**Public Safety Answering Point (PSAP)
Operations Grant Program**
Grant Performance Period 1/1/2022-12/31/2022

Request for Applications (RFA)

Application Deadline: February 15, 2022

Questions Due: February 1, 2022

RFA Updates and Q&A Posting, if any: February 5, 2022

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Revision History

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I. General Information

Summary Description

The purpose of this Request for Applications (RFA) is to solicit proposals for the 2021-22 Public Safety Answering Point (PSAP) Operations Grant (Grant). The Grant allows counties to receive State support for eligible public safety call-taking and dispatching expenses. The State will provide support in the form of reimbursement for operating expenses in a PSAP, including personnel costs.

New York Executive Law § 717 empowers the Office of Interoperable and Emergency Communications (OIEC), an office of the New York State Division of Homeland Security and Emergency Services (DHSES), to implement a grant program to facilitate the operation of public safety communications and support statewide interoperable communications for first responders. The State Budget for 2021-22 appropriates \$10 million in grants to Eligible Applicants in support of operations and improvements of PSAPs.¹

All counties and the City of New York are eligible to apply in accordance with the Tier 1 General Eligibility Criteria established in this document.

The Grant is noncompetitive and will allocate money by a formula which equitably distributes funding among awardees based on quantifiable elements and relevant metrics. The formula relies on criteria reflective of an applicant's operational scope, demographic elements, emergency services call metrics, progress made in deploying new technology, and adherence with State and national guidelines for emergency communications.

The Grant not only supports an awardee's existing operations, but also encourages the development of Next Generation 911 (NG911) technologies and the Geographic Information System (GIS) data needed for NG911. The Grant also promotes the development of operational and procedural efficiencies and overall collaboration between different jurisdictions, such as other counties and state agencies.

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.

¹ 2021 Laws of New York Chapter 53

Grant Performance Period

The period of performance for contracts supported by 2021-22 PSAP Operations Grant Program funds is January 1, 2022 to December 31, 2022.

Objectives

The objectives of the Grant are:

- 1) to facilitate PSAP consolidation, regional initiatives related to 911 operations, implementation of NG911, and improvements in the operations of public safety communications; and
- 2) to develop multijurisdictional PSAP compatibility throughout the state and support statewide interoperable communications for first responders to improve public safety.

Standards and Guidelines

Eligible applicants must comply with the following standards and guidelines listed below, as applicable:

- **New York Statewide Communications Interoperability Plan (SCIP)**
The most recent copy of NYS SCIP can be found at <http://www.dhSES.ny.gov/oiec/interoperability-plans/>.
- **New York State 911 Standards**
The New York State 911 minimum standards found in Chapter LX of Title 21 of the New York Codes, Rule and Regulations, accessible [via this link](https://dos.ny.gov/state-register) or via <https://dos.ny.gov/state-register>.
- **FCC Task Force on Optimal PSAP Architecture**
See the Task Force on Optimal PSAP Architecture Report at <https://www.fcc.gov/document/fcc-releases-tfopa-final-report>
Supplemental Report:
https://transition.fcc.gov/pshs/911/TFOPA/TFOPA_WG3_Supplemental_Report-120216.pdf.
- **National Plan for Migrating to IP-Enabled 911 Systems**
The National 911 Office website provides information on the development of optimal 911 services. This information can be found at https://www.911.gov/documents_tools.html.

Any new technology (such as equipment, software, interfaces, data management, etc.) purchased under the Grant must comply with the standards and guidelines listed below, as applicable:

- **National Emergency Number Association (NENA) Standards**
The NENA Standards can be found at www.nena.org.
 - NENA i3 Architectural Standard for NG911: NENA 08-003. This standard provides key technical guidelines for the implementation of NG911 systems.
- **APCO/TMA ANS 2.101.3-2021**
Alarm Monitoring Company to Emergency Communications Center (ECC) Computer - Aided Dispatch (CAD) Automated Secure Alarm Protocol (ASAP) can be found at <https://www.apcointl.org/~documents/standard/21013-2021-asap-to-psap/?layout=default>
- **Organization for the Advancement of Structural Information Standards (OASIS)**
For Data Standards refer to OASIS at www.oasis-open.org.

Additional Recommendations and Guidelines

The following guidelines may improve PSAP grant funding implementation and benefit awardees.

- 1) For many CAD systems, GIS data is required for the system to function properly. The New York State GIS Program Office (GPO) provides NENA standard-compliant GIS data that can be used in CAD systems. However, each vendor's data requirements may be different. As such, counties may encounter the need to make NENA standard-compliant GIS data work in an individual CAD system, such as reformatting the data or adding additional data fields. Counties should discuss this with its selected CAD vendor prior to signing a contract.
- 2) NENA sets the standards for 911 CAD systems in North America. GPO is developing statewide, consistent, NENA standard-compliant GIS data; this data is made available to counties for use in their CAD systems. Some CAD vendors utilize proprietary data formats in their software, requiring NENA standard-compliant data to be altered for use in their systems. Changing data from a national NENA standard into proprietary standards for setup and maintenance of a CAD system involves time and expense. Preference should be given to CAD Systems that accept NENA standard-compliant GIS data without modifications or additional charges.
- 3) A GIS data governance and maintenance plan is necessary for the setup and maintenance of CAD systems that rely on GIS data. Setting up and maintaining a multicounty CAD system that relies on GIS data has several requirements. Participating counties should decide what GIS data will be used and ensure that their GIS data is compatible and aligned with their neighboring counties' data and, if necessary, State data before the project begins.

Additionally, DHSES highly recommends that participating counties develop a plan for maintenance and periodic updates, including a schedule, roles, and responsibilities.

- 4) When purchasing new CAD software, counties should keep in mind that NYSP and other State agency patrol cars in a county will need the same CAD client software as the county's local patrol cars in order to be dispatched on the county's new CAD system. Please contact NYSP and other responding State agencies to coordinate the utilization of CAD client software for their patrol cars.

II. Eligibility

Counties within New York State and New York City are eligible to apply for the 2021-22 PSAP Operations Grant Program.

III. Authorized Program Expenditures

A. Permissible Costs

Permissible costs include, but are not limited to:

- Personnel cost solely related to operating the PSAP;
- NG911 technologies;
- New 911 telephone equipment for the exclusive use of the PSAP, including Automatic Location Information (ALI) displays or intelligent workstations and ALI controllers;
- CAD upgrades or replacement, including software and hardware that will perform integrated mapping functions through a CAD interface at each call taker position, utilizing the coordinates received via the ALI database link;
- GIS enhancements for the purpose of preparing for the implementation of the FCC wireless E911 requirements;
- Records Management Systems that will provide statistical analysis of wired line and wireless 911 calls;
- PSAP operating expenses (such as network connectivity, software licensing, etc.);
- Call accounting equipment;
- Microwave backhaul connectivity for the PSAP;
- Fit-up and installation of equipment in existing facilities that meet the above intent and purpose of the grant;
- Rental fees for PSAP facilities
- Developing, conducting, and attending 911 in-service training;
- Basic Certification Training; and
- Dispatch workstations.

B. Costs Not Permissible

Costs that are not permissible include:

- Equipment or systems with proprietary technology that is non-compliant with standards listed in this document;
- Vehicles;
- Land Mobile Radio (LMR) subscriber equipment;
- Mobile data networks (including infrastructure, user equipment, service fees);
- New construction projects (such as new building constructions and capital projects);
- Furniture (other than dispatch workstations);
- Food and beverages;
- Out-of-State conferences and trainings; and
- Debt Service.

IV. Application Format and Content

A. Format: Grant applications **MUST** be submitted via the automated E-Grants System operated by DHSES. The system allows an agency to complete an application electronically and submit it over the Internet using a secure portal. If upon reading this RFA you are interested in completing a grant application, and you have not previously been registered to use the DHSES E-Grants system, your agency will need to register and be assigned a user name and password. The Registration Request Form to use the E-Grants system is available at: <http://www.dhSES.ny.gov/grants/forms-egrants.cfm>.

A detailed tutorial on how to use the E-Grants system for PSAP Operations Grant submission can be found on DHSES OIEC Grants webpage at the following Internet address <http://www.dhSES.ny.gov/oiec/grants/> . It will guide you in a step-by-step process through the E-Grants application submission.

B. Required Application Content: All applicants must complete the 2021-22 PSAP Operations Grant Program Application Worksheet. The worksheet must be completed in its entirety, including the general information, applicant eligibility, and data aggregation sections of the application. **Incomplete applications will not be accepted.**

The Grant instructions and “Question and Answers” received during an application period are available on the DHSES OIEC website (<http://www.dhSES.ny.gov/oiec/grants/>) under the “2021-22 PSAP Operations Grant” tab.

After the submission of an application, the E-Grants system will email a notification of receipt to the Primary Point of Contact and Signatory Point of Contact email address listed in the application.

Following the announcement of the awards, each awardee must revise and submit the Budget spending reflecting the actual award through the E-Grants system. Failure to complete the Budget will prevent the execution of a contract. The proposed budget must be submitted within 30 calendar days or the awardee risks forfeiture of its award.

V. Funding Distribution

Funding distribution is based on a two-tiered approach:

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

Tier 2 – Formula driven distribution based on specific factors.

The \$10 million in funding for the PSAP Operations Grant will be distributed among all eligible applicants that have submitted a complete application.

VI. Application Evaluation Criteria

DHSES will use the following criteria to evaluate each application to determine eligibility and award distribution.

A. Tier 1 Criteria

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 may be immediately disqualified without further review and will not be considered for an award.

B. Tier 2 Criteria

Applications that pass the Tier 1 review proceed to Tier 2. Tier 2 consists of a formula driven funding distribution based on specific factors, including verifiable and auditable information provided by applicant.

Elements included in the formula:

- County population;
- Land area of the county;
- County crime index;
- PSAP call volume index;
- PSAP incidents/events recorded in CAD index;

- Text-to-911; and
- Implementation of Automated Secure Alarm Protocol (ASAP).

Other performance measurement factors affecting future allocations: The awardee must spend the entire grant amount in the PSAP Operations Grant period of performance (January 1, 2022 to December 31, 2022). Any underspending may result in a reduction of future allocations.

VII. Timeline and Checklist of Required Documents

- Applications are due to DHSES by **5:00PM EDT on February 15, 2022.**
- Applications must be submitted via E-Grants. Applications that are not received by the due date will not be considered for funding.
- Complete applications must include answers to all questions listed in the application.
- Applicant can attach documents to an application, if they would like to provide additional explanations of their projects.

VIII. Award of Funds and Vendor Responsibility

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

Following the announcement of the awards, each awardee must submit their proposed budget to DHSES within 30 calendar days or risk forfeiture of its award.

By law, State contracting entities 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.

IX. Administration of Grant Contracts

DHSES will negotiate and develop a grant contract with the awardee based on the contents of the awardee'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 contracts supported by 2021-22 PSAP Operations Grant Program funds runs from January 1, 2022 to December 31, 2022.

Although the contract format may vary, the contract will include such standard terms and conditions included in DHSES grant contracts (available for review on the DHSES website at <http://www.dhSES.ny.gov/grants>).

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 the automated DHSES E-Grants System. The system allows an agency to complete an application electronically and submit it over the Internet using a secure portal. If, upon reading this RFA, you are interested in completing a grant application and you have not previously been registered to use the DHSES E-Grants system, your agency will need to register and be assigned a user name and password. The Registration Request Form can be found at the following Internet address: <http://www.dhSES.ny.gov/grants/forms-egrants.cfm>.

A detailed tutorial on how to use the E-Grants system for PSAP Operations Grant submission can be found on DHSES OIEC Grants webpage at the following Internet address <http://www.dhSES.ny.gov/oiec/grants/> . It will guide you in a step-by-step process through the E-Grants application submission.

C. Reserved Rights

The issuance of this RFA and the submission of a response or the acceptance of such response by DHSES does not obligate DHSES in any manner. DHSES reserves the right to:

1. Reject any and all applications received in response to this RFA;
2. Withdraw the RFA at any time at DHSES' sole discretion;
3. Make an award under the RFA in whole or in part;
4. Disqualify any applicant whose conduct and/or application fails to conform to the requirements of the RFA;
5. Disqualify applicants due to untimely submission of any requested supporting documentation;
6. Seek clarifications and revisions of the applications;

7. 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 or information submitted by the applicant in response to DHSES' request for clarifying information in the course of evaluation and/or selection under the RFA;
8. Prior to the application opening, direct applicants to submit application modifications addressing subsequent RFA amendments;
9. Prior to the application opening, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available;
10. Make amendments and/or alter funding levels of any recipient based on any new information discovered that would have originally affected the scoring;
11. Waive or modify minor irregularities in applications received after prior notification to the applicant;
12. 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;
13. Change any of the scheduled dates;
14. Eliminate any mandatory, non-material specifications that cannot be complied with by all the prospective applicants;
15. Waive any requirements that are not material;
16. Negotiate with successful applicants within the scope of the RFA in the best interests of the State;
17. Conduct contract negotiations with the next responsible applicant, should DHSES be unsuccessful in negotiating with the selected applicant;
18. Utilize any and all ideas submitted in the applications received;
19. Unless otherwise specified in the RFA, every offer is firm and not revocable for a period of 60 days from the application opening;
20. Require clarification at any time during the application process and /or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an applicant's proposal and/or to determine an applicant's compliance with the requirements of this RFA;
21. Award grants based on geographic or regional considerations to serve the best interests of the State;
22. Terminate, renew, amend or renegotiate contracts with recipients at the discretion of DHSES;
23. Periodically monitor the applicant's performance in all areas mentioned above, in addition to the activities in the contract;
24. Revoke funds awarded to an applicant, or enforce any available sanction against any applicant, who materially alters the activities or is in material noncompliance under the grant award, or who does not implement an approved project within 60 days of the final contract approval;
25. Not fund any application that fails to submit a clear and concise work plan and/or budget;
26. 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 or critical infrastructure information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the application;

27. Recipients and sub-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: (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;
28. Funded recipients and sub-recipients 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; and,
29. DHSES reserves the sole discretion to increase or decrease the total funding available for this program at any time, resulting in more or fewer applications funded under this RFA.

DHSES may exercise the foregoing rights at any time without notice and without liability to any responding applicant or any other party for its expenses incurred in preparation of responses hereto or otherwise. All costs associated with responding to this RFP will be at the sole cost and expense of the Applicant.

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 the State Comptroller. Any resulting contract for \$50,000 and under from this RFA will be effective upon signature of both parties.

E. Payment and Reporting Requirements of Grant Recipients

Standard Cost Reimbursement Contract

Each successful applicant must enter into a standard cost reimbursement contract with DHSES. Such contract will include this RFA, the successful applicant's proposal, any attachments or exhibits, the standard clauses required by the NYS Attorney General for all State contracts, and any other attachments or exhibits required by DHSES. Although the contract format may vary, the contract will include standard terms, conditions, clauses, information, rights, and responsibilities as can be found on the DHSES website, including:

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. Copies of the standard terms and conditions included in DHSES grant contracts are available for review on the DHSES website at: <http://www.dhSES.ny.gov/grants/forms-e-grants.cfm>. Payments will be made subject to proper documentation and compliance with reimbursement procedures and all other contractual requirements.

Procurements

Applicants must follow and comply with all procurement procedures under General Municipal Law 5-A and/or any other state regulations applicable to these funds, and will be subject to monitoring by DHSES to ensure compliance.

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. Minority and women-owned business enterprises can be readily identified on the directory of certified businesses at: <https://ny.newnycontracts.com/>.

For purposes of this solicitation, applicants and subcontractors 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.

Further, pursuant to Article 15 of the Executive Law (the “Human Rights Law”), all other State and Federal statutory and constitutional non-discrimination provisions, the Applicant and subcontractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

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>.

Applicants 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. Furthermore, bidders/proposers are reminded that they must continue to utilize small, minority and women-owned businesses consistent with current State Law. 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 awardees 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 by DHSES.

Sexual Harassment Prevention

Applicants must submit a certification with their bid stating that Applicant has a policy addressing sexual harassment prevention and that applicant provides sexual harassment training to all its employees on an annual basis that meets

the Department of Labor's model policy and training standards. Bids that do not contain this certification will not be considered for awards; provided, however, that if Applicant cannot make the certification, the Applicant may provide a statement with its bids detailing the reasons why the certification cannot be made.

Worker's Compensation and Disability Benefits Insurance Coverage

Applicants must provide evidence of appropriate workers' compensation and disability insurance coverage, or proof of a legal exemption, prior to being awarded a contract. Failure to do so will result in the rejection of the application.

Iran Divestment Act: The Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, added section 165-a to the State Finance Law 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.

Vendor Responsibility

State Finance Law §163(9)(f) requires a State Agency to make a determination that an Applicant is responsible prior to awarding that Applicant a State contract which may be based on numerous factors, including, but not limited to the Applicants: (1) financial and organizational capacity; (2) legal authority to do business in this State; (3) integrity of the owners, officers, principals, members, and contract managers; and (4) past performance of the Applicant on prior government contracts. Thereafter, Recipients/Contractors shall at all times during the Contract term remain responsible. The Recipients/Contractor agrees, if requested by the Commissioner of DHSES, or his or her designee, to present evidence of its continuing legal authority to do business in New York State, integrity, experience, ability, prior performance, and organizational and financial capacity. DHSES requires that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System, see the VendRep System Instructions available at: http://www.osc.state.ny.us/vendrep/info_vrsystem.htm or go directly to the VendRep system online at <https://onlineservices.osc.state.ny.us>. Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the Office of the State Comptroller's Help Desk at 866-370-4672 or 518-408-4672 or by email at ITServiceDesk@osc.state.ny.us. Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website http://www.osc.state.ny.us/vendrep/forms_vendor.htm or may contact the Office of the State Comptroller's Help Desk for a copy of the paper form. Applicants will also be required to complete and submit a Vendor Responsibility Questionnaire prior to contracting.

1) 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 the Contract, at any time, when he or she discovers information that calls into question the responsibility of the Recipient. In the event of such suspension, the Recipients/Contractor will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the Contractor 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.

2) Termination for Non-Responsibility:

Upon written notice to the Recipients/Contractor, 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 Contractor's expense where the Recipients/Contractor 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 breach. Sub-recipients shall at all times during the Contract term remain responsible. The Sub-recipient agrees, if requested by the Commissioner of DHSES, or his or her designee, to present evidence of its continuing legal authority to do business in New York State, integrity, experience, ability, prior performance, and organizational and financial capacity.

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 recapture 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 attests that:

- 1) Applicant's signatory contact person has express authority to submit on behalf of the applicant's agency;
- 2) Submission of an application indicates the applicant'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>).
- 5) If your organization is not currently doing business with NYS, you will need to submit a Substitute W-9 form to obtain a NYS Vendor ID. The form is available on the Office of the State Comptroller website at: http://www.osc.state.ny.us/vendor_management/forms.htm.

- 6) Contract Changes - Contracts with Recipients/Contractors may be executed, terminated, renewed, increased, reduced, extended, amended, or renegotiated at the discretion of the Commissioner of DHSES, in light of a Recipient's/Contractor's performance, changes in project conditions, or otherwise.
- 7) Records – Recipients/Contractors must keep books, ledgers, receipts, work records, consultant agreements and inventory records pertinent to the project; and in a manner consistent with DHSES contractual provisions and mandated guidelines.
- 8) Liability - Nothing in the contract between DHSES and the Sub-recipients shall impose liability on the State of New York or DHSES for injury incurred during the performance of approved activities or caused by use of equipment purchased with grant funds.
- 9) Reports - A provider agency shall submit to the DHSES reports in a format and time schedule specified in the grant contract, which shall include a description of the program efforts undertaken during the report period and the current status of the project.
- 10) Tax Law Section 5-a Certification – In accordance with section 5–a of the Tax Law, sub-recipients will be required, prior to the approval of any contract awarded as a result of this RFA, to certify that it and its affiliates, subcontractors, and subcontractors' affiliates have registered with the New York State Tax Department for the purpose of collection and remittance of sales and use taxes. In order to trigger this certification requirement, a Sub-recipient or its affiliates, subcontractor, or subcontractors' affiliates must have made more than \$300,000 in sales of tangible personal property or taxable services to location within New York State and the contract must be valued in excess of \$15,000. Certification will take the form of a completed Tax Form ST-220.
- 11) Standard Contract Provisions - Grant contracts executed as a result of this RFA process will be subject to the standard clauses for New York State Contracts as referenced herein and as located at:
<https://ogs.ny.gov/procurement/appendix>
- 12) Compliance with Procurement Requirements - The applicant shall certify to DHSES that all applicable statutory and contractual procurement procedures were followed and complied with for all procurements.

G. Special Conditions

New York State Emergency Management Certification and Training Program

1. Participation in, and successful completion of, the New York State Emergency Management Certification and Training Program (EMC Training Program) is a mandatory requirement under this Contract and a condition of funding. 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.

2. To fulfill the EMC Training Program requirement of the Contract and in order to be eligible for funding under this Contract, Contractors must arrange for DHSES-specified Contractor employees to receive and acknowledge receipt of EMC Training no later than 180 days after execution of this 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 Contractor 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 Contractor 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.
3. Contractors 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. 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 Contractor to ensure that it is effective.
4. All recipients and sub-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: (1) the nature and extent of any threats or hazards that may pose a risk to the recipients or sub-recipients; and (2) the status of any corresponding recipients or sub-recipients plans, capabilities, or other resources for preventing, protecting against, mitigating, responding to, and recovering from such threats or hazards.
5. 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 sub-recipients 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.

6. 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.
7. Pursuant to Section 163(9)(c) of the State Finance Law, any unsuccessful Bidder may request a debriefing regarding the reasons that the Bid submitted by the Bidder was not selected for award. Requests for a debriefing must be made with 15 calendar days of notification by DHSES that the Bid submitted by the Bidder was not selected for award. An unsuccessful Bidder's written request for a debriefing shall be submitted to DHSES Director of Grants Program Administration. The debriefing shall be scheduled with 10 business days of receipt of the written request by DHSES or as soon as practicable under the circumstances.

X. Questions

Questions regarding the 2021-22 Public Safety Answering Points Operations Grant Program should be directed to the following email address 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.