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I. Introduction

The NYS Division of Homeland Security and Emergency Services (DHSES) through Governor Hochul's leadership, is making \$10 million in state funding available to build New York State's capability to prevent targeted violence and domestic terrorism through the utilization of Threat Assessment and Management (TAM) teams and the development of comprehensive Domestic Terrorism Plans. On May 14th, 2022, a domestic terrorist, motivated by a conspiracy-driven white-supremacist ideology, attacked Black Americans at Tops Friendly Markets Store in the East Side neighborhood of Buffalo, killing ten and injuring three others. This event illustrates the need for more robust prevention efforts to education, identify and intervene in situations where a 'Pathway to Violence' is evident.

New York State is committed to ensuring that appropriate measures are in place to keep our communities and citizens safe. Threat Assessment and Management (TAM) teams are a proven way to help mitigate these threats. Efforts have been underway in jurisdictions to develop TAM team capabilities and can serve as a guide for other jurisdictions to follow as the requirements of Executive Order 18¹ are implemented. This program directly aligns to not only supporting existing TAM teams but to build out a statewide capability and supporting an overarching goal of creating county-wide Domestic Terrorism Prevention plans.

In response, DHSES has devoted funding through this grant program to aid local jurisdictions in building and enhancing their capability to prevent targeted violence and domestic terrorism.

The primary objectives of this grant program are as follows:

1. Developing plans, policies, and protocols, inclusive of services and resources to help implement threat assessment management strategies.
2. Ensuring members of the whole community have access to multi-disciplinary threat assessment and management teams.
3. Raising awareness of the why and how individuals radicalize to violence through education of the whole community on the behavioral indicators of individuals on a pathway to violence and how to intervene and prevent acts of violence.
4. Ensuring community members understand the role of domestic terrorism prevention plans and TAM teams and are aware of how to act on their awareness training by knowing how, who, and by what means to contact their resident TAM team.

This grant opportunity will ensure that critical grant program funding addresses prioritized capability development goals and objectives, as recognized by State and local stakeholders in the 2022-2025 New York State Homeland Security Strategy, specifically, Goal 2: Strengthen Counterterrorism and Law Enforcement Capabilities; *Objective 2.12: Enhance measures to prevent targeted violence to include gun violence in New York State through a model of education, disruption, and mitigation in coordination with support of federal, state, and local partners.*

¹ [No. 18: Preventing and Responding to Domestic Terrorism | Governor Kathy Hochul \(ny.gov\)](#)

II. Eligibility

All New York State counties and New York City will receive funding through this program through a noncompetitive process. Although funding will be directly allocated to the counties, efforts should be made to include local, municipal-level entities within the county's jurisdictional boundaries in the application development process, when possible.

Additionally, as a condition of receiving funding, counties must submit their Domestic Terrorism Plans to DHSES by December 31, 2022. Details with regards to the process are available in the County Domestic Terrorism Plan guidance document that will be made available.

III. Allocations

All New York State counties and New York City will receive an allocation of **\$172,413** in state grant funding to support allowable planning, training, exercise and organizational costs associated with TAM team development and county Domestic Terrorism Planning efforts.

Counties can decide to combine their awards in an effort to support a regional approach to their project. The identification of a Fiduciary Agent (FA) of the region would be required to facilitate this process. This can be accomplished by designating the Grantee in the E-Grants application (please refer to E-Grants Tutorial for additional information) and designating the county partners in the application worksheet. The FA must be a New York State county or New York City. There would be no limit to the number of counties who may participate within the designated region.

The responsibilities of the FA would be as follows:

- Serving as the primary Point of Contact (POC) for DHSES on the grant.
- Conducting regular meetings (e.g. monthly, bi-monthly) within the region and ensuring the primary objectives of the Domestic Terrorism Prevention Grant Program are met.
- Ensuring that all recognized counties within the region are included in the program implementation efforts.
- Submitting budgets for the Domestic Terrorism Prevention Grant Program funds in coordination with and on behalf of the region.
- Coordinating purchasing and other efforts related to the Domestic Terrorism Prevention Grant Program on behalf of the region.
- Completing all required grant reporting forms in coordination with and on behalf of the region.

The period of performance of this grant program will be a total 2 years, beginning on 9/1/2022 and ending on 8/31/2024, with a possibility of an extension based on need. Please note that expenditures submitted for reimbursement must be incurred during this period of performance in order to be paid.

IV. Grant Objectives

DHSES has identified the following objectives for the **FY2022 Domestic Terrorism Prevention Grant Program**:

A. Developing plans, policies, and protocols, inclusive of services and resources to help implement threat assessment management strategies.

A domestic terrorism prevention plan is the county's strategy for identifying, addressing, and mitigating the risk of domestic terrorism and targeted violence. The threat environment facing jurisdictions has evolved and varies by county. Counties should review the current threat environment to determine the potential organizations, groups, and/or types of individuals that could pose a domestic terrorism threat, or that exist within your jurisdiction, and could pose a threat to others. Additionally, each county's plan must cover all areas within its boundaries, including those areas that may fall outside urban centers. The plan must ensure adequate geographic coverage and include rural and potentially underserved areas within the jurisdiction. Several state and federal resources are available to help aid in the development of your county's Domestic Terrorism Plan and program funds can be utilized to help support those efforts. DHSES Office of Counter Terrorism has developed County Domestic Terrorism Plan guidance. Relevant steps of that process may include the following:

1. Review the Current Threat Environment
2. Review Intelligence and Information Sharing Networks
3. Examine Outreach and Education Efforts
4. Consider Establishing a Threat Assessment and Management (TAM) Team
5. Examine Threat Reporting Processes
6. Consider Establishing a Threat Management Process
7. Participate In, and Promote Training
8. Understand Target Hardening and Security Measures
9. Review, and Formalize, Active Shooter Plans
10. Support School Safety Planning Efforts
11. Leverage Grant Funding
12. Share Unique Domestic Terrorism and Targeted Violence Prevention Plans and Activities

For additional information and details, please review the County Domestic Terrorism Planning guidance which can be found at: <https://www.dhSES.ny.gov/state-funded-programs>. Please note that the county is required to submit the Domestic Terrorism Plan to DHSES by **December 31, 2022** and will be a condition of receiving funding through the FY2022 Domestic Terrorism Prevention Grant Program.

B. Ensure members of the whole community have access to multi-disciplinary threat assessment and management teams.

Threat Assessment and Management (TAM) teams are multi-disciplinary groups that help identify, assess, and mitigate potential threats, to include threats of domestic terrorism and/or other acts of targeted violence (e.g., hate crimes, school shootings, active shooters). The teams work collaboratively to share information to better understand relevant risk factors, and what resources might be available to address individuals displaying concerning behavior. The creation of a TAM team should be considered as a central component of the Domestic Terrorism Planning efforts and DHSES will provide resources and technical assistance to support the creation and operation of these teams. Counties may choose to work together to develop regional TAM teams or TAM teams in partnership with one another. However, it is incumbent on each jurisdiction's chief executive to consider establishing (or participate in) a TAM team, which must include representation from law enforcement, mental health organizations, schools, and other key agencies and relevant private sector and community partners. DHSES encourages working with all interested local level stakeholders when developing the TAM team. The planning team and TAM team can be one and the same, but the TAM team must include a coordinating agency and supporting agencies and organizations. Additional information can be found in the TAM Team Primer document located at: <https://www.dhSES.ny.gov/state-funded-programs>.

Applicants will be requested to articulate their coordination efforts with other disciplines across their jurisdiction with regards to the creation of their TAM team in their application. Additionally, guidance has been developed and will be provided that articulates the steps to the development of the TAM team. Fortunately for New York State, efforts have been underway for some time with several jurisdictions already standing up their TAM team. The Rochester Threat Advisory Committee (ROCTAC) in Monroe County was the first in New York State and has served as a model of which other jurisdictions have been able to replicate. For each jurisdiction, the composition of a TAM team will be unique based on identified risks, but the core partners will often remain the same.

C. Raising awareness of the why and how individuals radicalize to violence through education of the whole community on the behavioral indicators of individuals on a pathway to violence and how to intervene and prevent acts of violence.

Training is a critical component to the development of an effective TAM team. While a great deal of time and effort has been spent on physical assessment training since 9/11, TAM training is new to many stakeholders. Keeping a TAM team trained will require ongoing attention. Ensuring that all membership personnel have baseline Behavioral Threat Assessment Management training is an important component and key to success. This type of training is continually evolving and as such, it is critical to keep current with advanced training opportunities and new prevention strategies as the TAM team develops. There are various courses and resources at the federal level that can provide these basic

training opportunities to help support TAM Teams and efforts are underway to provide additional support at the state-level.

There are a wide variety of training programs to prevent or mitigate the threat of domestic terrorism and other forms of targeted violence. This training includes but is not limited to training on domestic terrorism and targeted violence prevention awareness; threat assessment and management training for TAM team members and other professionals; active shooter response training (e.g., run/hide/fight); bystander reporting; Stop the Bleed; training for call center operators; and Health Insurance Portability and Accountability Act (HIPAA)/Family Educations Rights and Privacy Act (FERPA) training.

D. Ensuring community members understand the role of domestic terrorism prevention plans and TAM teams and are aware of how to act on their awareness training by knowing how, who, and by what means to contact their resident TAM team.

Raising community awareness is an important component to the operations of a TAM team once established and operational. As part of the marketing and messaging of the TAM team it is necessary to support opportunities for the community to be provided with a basic understanding of what the TAM team does and the resources available. This ensures the TAM team is transparent and facilitates reporting that will serve as a driver of future threat cases for TAM team consideration. From the very beginning of planning, jurisdictions should consider how best to publicize the creation and purpose of the TAM team to potential stakeholders and the community it will serve. This may include press releases, paid advertising, the use of social media, or other means of getting the word out.

V. Authorized Program Expenditures

A. Permissible Costs: In further support of the objectives of this grant program, funding must be focused on certain planning, organizational, training and exercise costs associated with building/enhancing a Threat Assessment and Management Team and the development of a Domestic Terrorism Plan. Samples of some of those types of requests are outlined below (not fully inclusive):

Category	Samples
Planning	Costs associated with the development of plans to include the hiring of consultants or personnel to identify potential vulnerabilities and develop risk mitigation plans as well as related planning supplies (e.g. brochures, outreach materials, etc.).
Training	Support training initiatives of staff, cover overtime and/or backfill costs to ensure that the most current threat assessment and management strategies are implemented; Costs associated with

	<p>the development and delivery of awareness training to staff and the community in support of mitigating risks at the user level; supplies; travel, registration fees, and marketing.</p> <p>Costs associated with the design, development and delivery of domestic terrorism prevention related training. These costs can include overtime and/or backfill for participation, travel, registration fees and supplies</p>
Exercises	Costs associated with the design, development, conducting, and evaluation of exercises (regionally or locally) to determine the viability of the Domestic Terrorism Plans in place and assess the capabilities of TAM team. These costs can include OT/Backfill for participation, travel costs, and supplies.
Organizational	Costs associated with hiring part or full-time staff and/or consultants to oversee the implementation of a TAM Team.

Training Pre-Approval: Please note that any training request will **require DHSES approval in advance** of participating in the training. DHSES will review and sign-off to ensure that the requested training is appropriate and supports the objectives of this grant program. Training requests can be submitted to your contract representative to facilitate the approval process.

B. Costs Not Permissible: Equipment costs are **not allowable** under the FY2022 Domestic Terrorism Prevention Grant Program.

VI. 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 username and password. The Registration Request Form to use the E-Grants system is available at: <https://www.dhSES.ny.gov/e-grants>

A detailed tutorial on how to use the E-Grants system has been included along with the application materials and can be found at: <https://www.dhSES.ny.gov/state-funded-programs>. 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 Application Worksheet and submit the signed Attestation Form. The Application Worksheet must be completed in its entirety including relevant budget information and the associated

TAM coordination tab. Both the Application Worksheet and Attestation Form must be attached to the E-Grants application and are located at the following link: <https://www.dhSES.ny.gov/state-funded-programs>. **Incomplete applications will not be accepted.**

After the successful submission of an application, the E-Grants system will email a notification of receipt to the Signatory Point of Contact that is listed in the application. The Primary Point of Contact will receive a message displayed on their screen that says that the project has been submitted. Please refer to the E-Grants tutorial for more details on the process.

VII. Timeline and Checklist of Required Documents

Requirements: Due by 5:00 p.m. on September 16, 2022

- Applications must be submitted via E-Grants and include the completed Application Worksheet and signed Attestation Form as attachments. 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.
- Counties may attach documents to the E-Grants 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.

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.

Vendor Responsibility: The awardee county's vendors shall 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 based on the contents of the awardee's submitted application and the intent of the grant programs 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 actually be disbursed to reimburse project expenses.

The period of performance for contracts supported by FY2022 Domestic Terrorism Prevention Grant Program funds will be from September 1, 2022 - August 31, 2024, with a possibility of an extension based on need.

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 guidance document 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 you have not previously been registered to use the DHSES E-Grants system, your agency will need to register and be assigned a username and password. The Registration Request Form can be found at the following Internet address: <https://www.dhSES.ny.gov/e-grants>

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;
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. Utilize any and all ideas submitted in the applications received;
18. Unless otherwise specified in the RFA, every offer is firm and not revocable for a period of 60 days from the application opening;
19. 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;
20. Award grants based on geographic or regional considerations to serve the best interests of the State;
21. Terminate, renew, amend or renegotiate contracts with recipients at the discretion of DHSES;
22. Periodically monitor the applicant's performance in all areas mentioned above, in addition to the activities in the contract;
23. 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;

24. Not fund any application that fails to submit a clear and concise work plan and/or budget;
25. 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;
26. 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;
27. 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,
28. 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 RFA will be at the sole cost and expense of the Applicant.

D. Term of the Contract and Conditions Precedent

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 Awardees

1. Standard Cost Reimbursement Contract

Each successful applicant must enter into a standard cost reimbursement contract with DHSES. Such contract will include this Request for Applications, 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) and any other special conditions as determined by DHSES. The contract will be subject to approval by the Attorney General and State Comptroller. Although the contract format may vary, the contract will include such clauses, information and rights and responsibilities as can be found on the DHSES website, including:

APPENDIX A-1 -	Agency Specific Clauses
APPENDIX B -	Budget
APPENDIX C -	Payment and Reporting Schedule
APPENDIX D -	Workplan/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 of 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 <https://www.dhses.ny.gov/grant-reporting-forms>. 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. 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.

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/offeree 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.

a) 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.

b) 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.

F. 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.

G. 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, considering 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 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.

H. Special Conditions

New York State Emergency Management Certification and Training Program

- a. 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.

- b. 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.
- c. Counties must provide DHSES with their Domestic Terrorism Plans by December 31, 2022. Failure to comply with this requirement may result in a revocation of grant funding through this program.
- d. 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.
- e. 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.
- f. 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.
- g. 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.

- h. 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 **FY2022 Domestic Terrorism Prevention Grant Program** should be directed to the following email address: Grant.Info@dhses.ny.gov. To the degree possible, each inquiry should cite the Grant Guidelines and Application Kit section and paragraph to which it refers.

“Exhibit A”

Threat Assessment Management Team – Attestation Form

Reminder: The executed Attestation Form must be submitted as an attachment to the E-grants application. This form is only for the purposes of the **FY2022 Domestic Terrorism Prevention Grant Program** and is supplemental to the submission of the application for the new grant program.

Certification Form: This is certification that all efforts will be made to advance the “Whole Community” approach to your jurisdiction’s domestic terrorism prevention efforts. This includes the coordination with appropriate stakeholders both at the county level of government as well as with town, village, and city governments within the county to implement their projects under the **FY2022 Domestic Terrorism Prevention Grant Program**.

Minimum Requirements: By signing below, you certify that at minimum your Threat Assessment Management team will consist of personnel from Law Enforcement, Public Health/Mental Health Professions, Educational Institutions, and Emergency Management.

Signature: Please have your County Official and/or Lead Agency sign the form below:

APPROVED BY:

For _____:

(Name/Title)

(Date)

For _____:

(Name/Title)

(Date)