



NYS OFFICE OF MENTAL HEALTH 2025-26 Service-Disabled Veteran-Owned Business Enterprise Annual Goal Plan

I. Agency Overview

The mission of the New York State Office of Mental Health (OMH) is to promote the mental health and well-being of all New Yorkers, with a particular focus on providing hope and recovery to adults diagnosed with serious mental illness and children diagnosed with serious emotional disturbances.

To achieve this mission, OMH has a dual role as the lead authority for the State's public mental health system. The first component is to set policy and provide funding for community services. The second is to operate inpatient and outpatient services. Consistent with the science of mental health evaluation, diagnosis, and treatment, the OMH vision has evolved over time to one that today is more community-oriented and recovery-focused. Nonetheless, OMH's 'safety net' role as a hospital provider – which had its beginnings in the 1840s – remains premised on a caretaker way of thinking from centuries past.

The Agency's estimated annual financial plan is a little over \$4B and supports a cross-section of services provided by not-for-profits, local governments, and the State. The public mental health system in NYS has transformed over time from one dominated by large State psychiatric hospitals serving a tiny fraction of those with serious mental illnesses to a highly dispersed system of non-profit organizations, county mental hygiene departments, and State and private hospitals serving more than 700,000 individuals yearly. Currently, OMH funds and/or licenses more than 4,500 mental health programs operated by local governments and private agencies. They provide outpatient, inpatient, emergency, residential, community support and vocational care and services.

Of note, the OMH civil psychiatric hospital census, which in the 1950s stood at 93,000, today is below 4,000. Nevertheless, approximately 10,000 of the adults and children served in the public mental health system in each of the last few years received services in OMH inpatient hospitals. OMH employs upwards of 15,000 individuals located at 23 psychiatric centers (including three forensic hospitals), two research institutes and in Central Office throughout the State.

In accordance with State Law and Policy set forth in Article 3 of the New York State Executive Law, it is the policy of NYS OMH to ensure that Service-Disabled Veteran-Owned Businesses (SDVOB) are afforded equal opportunity and equitable participation in all OMH-managed procurements. The Agency is committed to ensuring continued progress and improvement in outreach to, and utilization of, SDVOB vendors. Measures designed to increase SDVOB participation are being fully incorporated into the Agency's day-to-day procurement processes.

II. Scope of Agency Operations

SDVOB Management within OMH

Day-to-day management of the Service-Disabled Veteran-Owned Business (SDVOB) program in OMH will fall under the purview of the Office of Financial Management (OFM). OFM is responsible for an agency financial plan that exceeds \$4B annually and supports a statewide, decentralized network of State-operated facilities and vast voluntary-operated system of services supporting the needs of mentally ill individuals living in the community. More specifically, initial coordination of the SDVOB program in OMH will be handled by the Bureau of Procurement Enterprise Services (BPES) within OFM's State Budget & Financial Management Group. BPES has primary responsibility for overarching planning, implementation, and monitoring activities related to the SDVOB program.

About 55% of the Agency's financial plan supports employee salaries and related costs. Another 35% supports payments to not-for-profit providers of community-based mental health services. The balance of annual spending supports both institutional capital projects and grants to providers of community-based services capital infrastructure needs, as well as non-personal services spending for institutional service delivery to inpatients.

It's important to note that of the remaining spending, much of the capital is managed by OGS or the Dormitory Authority of the State of New York (DASNY) (for institutional projects) or is granted to not-for-profit entities who hire contractors (for community-operated infrastructure projects). OMH is not directly responsible for selection of these vendors.

Major Areas of Procurement

A. Psychiatric Centers

OMH operates twenty-three (23) Psychiatric Centers and two (2) Research Centers ("Facilities") throughout the State. Each of these facilities requires a wide range of building and systems services to maintain facility operations and ensure staff and client safety and security.

- **Preventative Maintenance:** Each Facility has contracts to provide the preventative maintenance for its campuses' building systems including elevators, generators, chillers/boilers, and HVAC. Preventative Maintenance contracts account for a large portion of the facility procurements.
- **Other Maintenance:** In addition to facility equipment maintenance services, the Facilities contract with vendors to provide integrated pest Management services, snow and refuse removal, and janitorial services. Each of these services is important to both the health and safety of the clients whom we serve.
- **Temporary Clinical Staffing:** OMH serves a large and diverse client population whose needs exceed the ability of the core staff resources. It is often necessary to contract with third parties to augment clinical support services such as sign-language interpretation, peer advocacy services, family advisors, case management, therapeutic services, and nurses. Facilities must maintain certain staffing numbers, which often isn't possible without staffing contracts.

- **Locum Tenen Psychiatrists:** Due to staffing challenges, OMH relies on the use of Locum Tenen (LT) Psychiatrists to augment clinical staffing needs. LT Psychiatrists act as members of patient's treatment teams and an integral part of Facility operations.
- **Residency Programs:** The Facilities also operate as teaching hospitals that provide residency opportunities and other training programs through affiliation agreements with medical schools at major New York State universities, that support and participate in these programs.
- **Other Services:** In addition to providing clinical support services, the Facilities contract to provide a number of other services including patient transportation, religious services, and barbering services.
- **Research Facilities:** OMH operates two (2) Research Institutes that conduct research on mental illness. This research includes pharmaceutical drug trials, fellowship programs, medical imaging services, and development of diagnostic tools, among others. The New York State Psychiatric Institute (NYSPI) works closely with Columbia University on research projects. The other research institute, Nathan Kline Institute (NKI), provides laboratory analysis for each of the Psychiatric Centers, as well as other state agencies.

B. OMH Central Office

The OMH Central Office (CO) is responsible for administering certain policy, funding, regulatory, legal, back-office, and other functions that support the daily operation of OMH's programs and facilities. CO also serves as a regulator and overseer of the state's public mental health system. CO is separated by department, each with a specific directive and mission that contributes to the overarching OMH mission of supporting recovery and resiliency of the people we serve.

- **Training:** Each department within OMH has its own role in working with both community partners and Facility leadership to provide staff with the tools and resources necessary to provide exceptional service to our clients. As a result of this drive, many procurements for CO center on establishing contracts for training to OMH staff and provider networks on the latest advances in behavioral health.
- **Professional Consulting Services:** OMH Central Office contracts with consultants who are leaders in their respective fields and provide CO with knowledge and expertise in areas of Quality Management Initiatives, Data-analysis, and Project Management techniques.
- **Information Technology:** OMH partners with the New York State Office of Information Technology Services (OITS) for support, maintenance, and development of IT projects that OMH uses to administer its medication programs, Electronic Health Record system, Incident tracking, patient census, etc. Additionally, the IT infrastructure of OMH, including its telecommunication systems, servers, hardware/software, and electronic equipment for staff, results in numerous procurements throughout the year.
- **Cook Chill Production Center and Utica Print Shop:** OMH CO manages a food production center (Cook Chill), located on the grounds of the Rockland Psychiatric Center, that orders and prepares food for the Psychiatric Centers statewide. Utica Print

Shop provides printing and copying services for CO and the Facilities for standard forms, brochures, training materials, etc.

C. Local Assistance Grant Awards for Voluntary-Operated Programs

OMH administers funding for community-based mental health services. Such services, funded by State Aid and Medicaid, include residential services, outpatient treatment, supported/transitional employment, care management, and community support services. The funds support community mental health service programs that are operated by voluntary agencies and local government units. The majority of these funds are spent on staff costs for support services and property costs (e.g., rental subsidies, utilities). In addition, OMH provides capital funding to voluntary agencies to develop and maintain housing for persons with serious mental illness. These funds are provided in the form of grants to the not-for-profit agencies which select the vendors they will use for their construction projects.

D. State Capital Infrastructure Support

Capital projects in support of facility (i.e., Institutional) operations are managed by either the Office of General Services, or the Dormitory Authority of the State of New York (DASNY). It is advised that the Division of Service-Disabled Veteran’s Business Development coordinate with these entities in promoting qualified SDVOB vendors.

E. Comparison of Previous Projected Utilization Vs. Actual Utilization

As SDVOB vendors continue to grow in numbers and their locations continue to expand, so does the ability of the agency to create a projection. OMH strives to meet the 6% goals through contracting, subcontracting and purchase opportunities and places these goals within each solicitation for a non-excluded item. The 24/25 Master Goal plan listed a projected SDVOB amount of \$5,566,153, 6% of the funding available. Though we do obtain participation via maintenance contracts or purchasing of individual good and supplies, there is less opportunities in the medical fields such as laboratory equipment, reagents for test and studies, procuring psychologist, doctors, and nurses, for example. OMH strives for inclusion, but it has been difficult to meet the previous years projected SDVOB spend.

OMH SDVOB Percent Utilization by Quarter

FY	Quarter	% Spend	\$ to SDVOB	Overall Spend
24/25 FY	1 st Quarter	0.205%	\$ 885,878.32	\$ 433,099,538.81
24/25 FY	2 nd Quarter	0.104%	\$ 645,254.78	\$ 619,101,652.67
24/24 FY	3 rd Quarter	0.309%	\$ 1,958,507.94	\$ 634,582,097.97

III. Strategic Objectives Regarding Utilization of SDVOBs

- **Opportunity Analysis:** Prior to the release of solicitations, OMH will review each procurement against the available SDVOB firms found in the OGS directory. This review will take into account statewide availability, the geographic location, and its materiality in work performance. If more than one SDVOB exists, OMH will invoke its set aside

authority. If not, OMH will establish the SDVOB goal for the procurement based on this review.

- **Set Asides:** OMH will review for the possibility for set asides when where more than one certified service-disabled veteran-owned business can facilitate meeting the goal and meeting the required form, function and utility. Information technology services procurements may provide an opportunity here. The number of set asides in each business type will be determined by a review of the number and scope of contracts and assigning a percentage of spend for each identified category. The focus will be on commodities, and specialized services for the State Operations and Aid-to-Localities divisions, while the Local Capital division will review its construction contracts to establish set-asides.
- **Subcontracting Opportunities:** When awards are made to non-SDVOB prime vendors (Prime Vendors), OMH will work with them to identify and promote subcontracting opportunities when appropriate. “Teaming” arrangements will be encouraged whenever possible. For contracts that do not have subcontracting opportunities, OMH will encourage Prime Vendors to utilize SDVOB suppliers for both contract-related, and second tier spending. It is anticipated that Financial Services and Commodities will provide opportunities for second tier spending in order to meet the SDVOB goal.
- **SDVOB Discretionary Purchasing:** When appropriate and as available, the OMH main Business Office will direct our Hospital Business Offices to obtain goods and services from SDVOB’s, when the value of such goods and services falls under \$50,000. Procurements between \$50,000 – \$200,000 where there is an SDVOB supplier or contractor available. This will be addressed via either, 1.) a set aside or, in the case of multiple SDVOBs being available, 2.) via an Invitation for Bid or Request for Quote restricted to SDVOBs or, 3.) an SDVOB goal being included as a part of the solicitation.
- **Outreach Activities:** OMH will participate in any Outreach Events scheduled by the agency overseeing this program. When appropriate, OMH will conduct its own outreach activities to determine if a SDVOB is able to participate on a contract as either a subcontractor, or when making determinations about set asides.
 - Selected OMH Staff members will attend the annual **VETCON** event, as well as other SDVOB conferences as they are announced, as part of our continued outreach program.
- **Coordinate SDVOB initiatives with Facility and Central Office Program Divisions:** The Facilities and Central Office program divisions coordinate with OFM to issue solicitations for goods/services for their operations. Procurement staff will identify potential SDVOB participation opportunities on behalf of Facility and Central Office staff at the inception of the procurement process, and *prior to* the preparation of bid solicitations and purchase orders for goods/services. During mandatory site-visits and pre-bid conferences, procurement staff will provide relevant information to bidders including what the SDVOB initiative is, the importance of the program, as well as strategies to successfully meet the stated goals for the contract. Information regarding the use of the SDVOB Website Page and the Excel File Directory, will be supplied to potential bidders.

- **SDVOB Training for Facility and OMH Staff:** Procurement staff will be included in attending Match Making Events and conferences whenever possible, to keep updated on pertinent SDVOB information. Procurement staff will include training on the SDVOB initiative when providing procurement training to Facility and Central Office program managers. Training will focus on a high-level review of the relevant regulations as well as how to use the SDVOB Directory to identify potential vendors. A general understanding of the regulations will ensure that staff understands why these goals are applied, as well as how to apply them. Additionally, guidance documents for ease of reference to determine when SDVOB goals apply, and categories of procurement to monitor for SDVOB opportunities, and the availability of SDVOB contractors will be provided. OMH Procurement staff attend the OGS GovBuy annually.
 - **DSDVBD Presentation for OMH Facility and Central Procurement Staff:** Procurement staff will be invited to attend future presentations, date to be determined, as part of an annual SDVOB procurement training. OMH will be scheduling these annual presentations within the fall months as a follow-up to the OGS GovBuy Conference. An OMH SDVOB Liaison will reach out to DSDVBD representative to reschedule the presentation. 2019 saw the first of our inhouse presentations

IV. Utilization Plans, Good Faith Efforts, and Waivers

As part of their response to bid solicitations, Vendors are required to submit a SDVOB utilization plan, documentation of Good Faith Efforts, and, if appropriate, Requests for Waivers. OMH Contract Management staff must review these documents and provide a recommendation on acceptance or denial of Utilization Plans and Waivers based on their analysis and the good faith efforts of the vendor. If the vendor submits SDVOB Utilization forms that are found to be lacking, we must reach out to request more documentation or an explanation. Waivers are reviewed and approved/denied by the SDVOB Program liaison. OMH will assist vendors in reaching the Utilization Plan Goals by supplying a SDVOB listing and directing vendors to the SDVOB website.

As necessary, Contract staff will reach out to the DSDVBD for guidance on region-specific considerations when reviewing Utilization Plans and Waivers.

OMH will be posting SDVOB Utilizations Plans to the following page on the OMH website: <https://www.omh.ny.gov/omhweb/resources/providers/directcontract/> A website link has been created and the process of uploading the documents is starting to begin. As requested by the DSDVBD, OMH will report Utilization Plans on a quarterly basis to the DSDVBD.

V. Specific Number for Projected Budget/Projected SDVOB Use

On an annual basis, OMH reviews its list of exemptions and exclusions to reflect the new projected budget for the upcoming fiscal year, and any changes to the availability of SDVOB vendors in the areas identified by OMH. The list of exemptions and exclusions is comprised of services and budget allocations that are either, not subject to the regulation, or do not include any SDVOB vendors that, to OMH's best knowledge, that could provide the service in question.

OMH Summarized Budget:

Total Agency Budget	\$ 5,348,666,000
Total Exemptions	\$ 4,509,700,019
Total Exclusions	\$ 838,965,981
Total Amount Eligible for SDVOB	\$ 67,994,126
Total SDVOB Goal (6%)	6%

VI. Agency Challenges

The immediate issue impacting OMH's ability to successfully meet goals, is the limited pool of available vendors. As noted above, the lion's share of Agency spending is on salaries, fringe benefits, payments to not-for-profits and OGS/DASNY-managed capital projects. Furthermore, non-personal services (NPS) spending on institutional support needs must follow State Finance Law purchasing priority guidelines. Most of OMH's NPS spending is on pharmaceuticals, utilities, patient food, medical/clinical/behavioral health services and leases. In most other categories, the pool of available certified vendors may not be located in a reasonable proximity of the facility that is in need of service. OMH hopes that the Division of Service-Disabled Veteran's Business Development can assist the Agency in expanding the pool of certified vendors and connecting the Agency with vendors who may be able to meet our needs.

More specifically, OMH has identified the following barriers in its efforts to maximize participation of certified SDVOB vendors throughout the State:

- **Specialized services and equipment:** OMH Central Office has many contracts with individuals or organizations to provide unique or very specialized services, such as training on specialized clinical treatment modalities. In these scenarios there is a very small pool of potential bidders at all, much less one that is a SDVOB. Other services include advocacy and support services provided by individuals who have direct experience with the OMH system. In addition to services, OMH purchases hi-tech and proprietary equipment. Such equipment includes automated medication dispensing machines, magnetic resonance imaging (MRI) and other laboratory equipment, and physical plant systems that require extensive qualifications and certifications to perform work on a given piece of machinery.
 - **Strategy to Address:** Due to the nature of OMH's mission, and the work that is done, we will always have specialized services, especially in the medical field. Regardless, OMH will work to be cognizant of possible Second Tier services, where the Prime Contractor may be able to engage an SDVOB.
- **Geographic Areas:** There is a small pool of SDVOB in some significant OMH geographic areas. Many contracts contain clauses regarding the ability of the vendor to respond in a specific time frame in the event of an emergency situation. For example, if a facility boiler system breaks down in the middle of winter, in the middle of the night, the contractor would have to be able to arrive at the facility within a one-hour window and address the problem.

- **Strategy to Address:** OMH will continue to review the SDVOB Directory prior to releasing a solicitation to ensure any potential SDVOB's are included on our Bidder's List. While geographic location is often a factor, OMH needs to be aware that businesses are being added on a frequent basis, so we need to keep our Bidder's List up to date.
- **Other Contracting Agencies:** OMH does not receive credit for projects which may employ SDVOB that are funded by OMH Capital Construction funds. By statute, the Dormitory Authority of the State of New York ("DASNY") and/or OGS, are the actual contracting agencies.
 - **Strategy to Address:** While OMH Capital Construction projects are not credited directly to our Bureau, we can still use good faith efforts in the event an SDVOB vendor reaches out. We can work to connect them with the appropriate individuals that may have additional knowledge of any upcoming construction projects.
- **Preferred Sources and OGS Centralized Contracts:** Because of State Finance Law requirements, OMH is oftentimes restricted with whom it can do business with. For instance, OMH holds many janitorial contracts, and a statewide laundry services contract. Based on OMH's purchasing activities and available pool of SDVOB vendors, it would immediately appear that synergies exist. However, due to Finance Law requirements, Preferred Sources are given priority and virtually all such contracts are held by NYS Industries for the Disabled. It's recommended that the Division of Service-Disabled Veteran's Business Development take measures to link up certain SDVOB's with preferred sources or encourage them to bid on OGS centralized procurements.
 - **Strategy to Address:** As mentioned above, OMH is limited per State Finance Law to contract with Preferred Sources for many services and commodities. We encourage SDVOB vendors to reach out directly to NYS Industries for the Disabled (NYSID), NYS Preferred Source Program for New Yorkers Who Are Blind (NYSPSP) and Corcraft, for any possible subcontracting opportunities. In addition, there are several OGS contracts for a variety of goods and services. They can reach out to the Contract Managers, or OMH is happy to direct them to useful contacts within that Agency.
- **Services Not Utilized by OMH:** The Agency does not use some of the categories of registered SDVOB's. Specifically, OMH does not use Financial Services vendors, or the security services offered by the current pool of vendors (we do utilize security guards which, by in large, are purchased from centralized contracts).
 - **Strategy to Address:** In addition to reviewing prior to releasing each procurement, OMH will review the SDVOB Directory throughout the year to see if new services or commodities are being offered.

VII. SDVOB Content on Agency/Authority's Website

OMH maintains a SDVOB link located at:

<https://www.omh.ny.gov/omhweb/resources/providers/directcontract/>.

Direct Contracts Information for Providers Who Have Aid-to-Localities Funded Contracts with OMH

A statewide initiative, the Grants Reform Project, was recently launched in an effort to simplify grants management in New York State. The Grants Reform Project is intended to streamline contract processes, standardize contract terms and conditions, and facilitate more timely payments to Not-for-Profits. As part of the statewide Grants Reform Project, a uniform "Master Grant Contract" has been developed for use by State agencies for most grant transactions. State agencies have been directed to use the Master Contract provisions for all contract transactions after April 29, 2013.

The information provided on this page is intended to guide providers in the preparation of their contract documents for submission to the NYS Office of Mental Health.

If you have any questions regarding the preparation of your contract documentation, please contact your regional field office representative. A list of OMH field office contacts can be found below. We look forward to working with you on this new initiative.

- [Document Requirements for New OMH Master Grant Contracts](#) (with Amendment Number "0").
- [Document Requirements for Renewal OMH Master Grant Contracts](#) (with Amendment Numbers Greater Than "0").
- [Document Requirements for Amendment OMH Master Grant Contracts](#) (with Amendment Numbers Greater Than "0").
- [Document Requirements for OMH "Non-Grant" Contracts](#)
- [Minority and Women-Owned Business Enterprises \(MWBE\) Information](#)
- [Service-Disabled Veteran-Owned Business \(SDVOB\) Information](#)
- [Grants Gateway Vendor Pre-Qualification](#)
- [Helpful Links](#)
- [CBR Webinar for OMH Direct Contracts](#)
- [Provider Contact Form](#) (full document)
- [Field Office Contact Listing](#) (full document)
- [OMH Master Contract \(full document\)](#) This full contract document is for your reference only. It is not fillable; for completion of documents specific to your contract, please refer to the applicable Document Requirements bullet above. (full document)

VIII. Boilerplate Language

The OMH Contract Boilerplate and solicitation documents include the regulatory language and forms required to collect and report on SDVOB utilization. This information is included with the goal plan as an exhibit.

IX. Agency SDVOB Operations/Organizational Chart

A current Organizational Chart is attached to reflect the contracting and procurement staff involved in reaching agency SDVOB contracting goals.

X. Outreach Efforts

When preparing Bid Lists for new procurements, the SDVOB directory is reviewed and where possible, a bidders list of SDVOB vendors is included. Vendors are encouraged to attend site visits and pre-bid conferences to learn about OMH procurements, and possibly network with other vendors. OMH also reminds site visit attendees of SDVOB contract goals and will provide bidders lists to encourage individuals to subcontract with an SDVOB, if possible.

Additionally, in the past, OMH would attend any events for SDVOB vendors to meet with governmental agencies, in order to learn more about potential procurement opportunities.

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EXHIBIT 1
SDVOB CLAUSES AND FORMS

PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED SERVICE-DISABLED VETERAN OWNED BUSINESSES

[THE FOLLOWING LANGUAGE IS TO BE USED WHEN SDVOB GOALS ARE ESTABLISHED ON CONTRACT. IF 0% GOALS, DELETE THIS NOTE

Article 3 of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOB”), thereby further integrating such businesses into New York State’s economy. OMH recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of OMH contracts. In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

I. Contract Goals

- A. OMH hereby establishes an overall goal of 6% for SDVOB participation, based on the current availability of qualified SDVOBs. For purposes of providing meaningful participation by SDVOBs, the Bidder/Contractor should reference the directory of New York State Certified SDVOBs found at: <https://online.ogs.ny.gov/SDVOB/search> Questions regarding compliance with SDVOB participation goals should be directed to the [ENTER AGENCY DESIGNATED CONTACT(S)]. Additionally, following Contract execution, Contractor is encouraged to contact the Office of General Services’ Division of Service-Disabled Veterans’ Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss additional methods of maximizing participation by SDVOBs on the Contract.
- B. Contractor must document “good faith efforts” to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of the Contract (see clause IV below).

II. SDVOB Utilization Plan

- A. In accordance with 9 NYCRR § 252.2(i), Bidders are required to submit a completed SDVOB Utilization Plan on Form SDVOB 100 with their bid.
- B. The Utilization Plan shall list the SDVOBs that the Bidder intends to use to perform the Contract, a description of the work that the Bidder intends the SDVOB to perform to meet the goals on the Contract, the estimated dollar amounts to be paid to an SDVOB, or, if not known, an estimate of the percentage of Contract work the SDVOB will perform. By signing the Utilization Plan, the Bidder acknowledges that making false representations or providing information that shows a lack of good faith as part of, or in conjunction with, the submission of a Utilization Plan is prohibited by law and may result in penalties including, but not limited to, termination of a contract for cause, loss of eligibility to submit future bids, and/or withholding of payments. Any modifications or changes to the agreed participation by SDVOBs after the Contract award and during the term of the Contract must be reported on a revised SDVOB Utilization Plan and submitted to OMH.
- C. OMH will review the submitted SDVOB Utilization Plan and advise the Bidder/Contractor of OMH acceptance or issue a notice of deficiency within 20 days of receipt.
- D. If a notice of deficiency is issued, Bidder/Contractor agrees that it shall respond to the notice of deficiency, within seven business days of receipt, by submitting to OMH a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is

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found by OMH to be inadequate, OMH shall notify the Bidder/Contractor and direct the Bidder/Contractor to submit, within five business days of notification by OMH, a request for a partial or total waiver of SDVOB participation goals on SDVOB 200. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

- E. OMH may disqualify a Bidder's bid or proposal as being non-responsive under the following circumstances:
 - (1) If a Bidder fails to submit an SDVOB Utilization Plan;
 - (2) If a Bidder fails to submit a written remedy to a notice of deficiency;
 - (3) If a Bidder fails to submit a request for waiver; or
 - (4) If OMH determines that the Bidder has failed to document good faith efforts.
- F. If awarded a Contract, Contractor certifies that it will follow the submitted SDVOB Utilization Plan for the performance of SDVOBs on the Contract pursuant to the prescribed SDVOB contract goals set forth above.
- G. Contractor further agrees that a failure to use SDVOBs as agreed in the Utilization Plan shall constitute a material breach of the terms of the Contract. Upon the occurrence of such a material breach, OMH shall be entitled to any remedy provided herein, including but not limited to, a finding of Contractor non-responsibility.

III. Request for Waiver

- A. Prior to submission of a request for a partial or total waiver, Bidder/Contractor shall speak to the [ENTER AGENCY DESIGNATED CONTACT(S) at OMH for guidance.
- B. In accordance with 9 NYCRR § 252.2(m), a Bidder/Contractor that is able to document good faith efforts to meet the goal requirements, as set forth in clause IV below, may submit a request for a partial or total waiver on Form SDVOB 200, accompanied by supporting documentation. A Bidder may submit the request for waiver at the same time it submits its SDVOB Utilization Plan. If a request for waiver is submitted with the SDVOB Utilization Plan and is not accepted by OMH at that time, the provisions of clauses II (C), (D) & (E) will apply. If the documentation included with the Bidder's/Contractor's waiver request is complete, OMH shall evaluate the request and issue a written notice of acceptance or denial within 20 days of receipt.
- C. Contractor shall attempt to utilize, in good faith, the SDVOBs identified within its SDVOB Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract award may be made at any time during the term of the Contract to OMH, but must be made no later than prior to the submission of a request for final payment on the Contract.
- D. If OMH, upon review of the SDVOB Utilization Plan and Monthly SDVOB Compliance Report (SDVOB 101) determines that Contractor is failing or refusing to comply with the contract goals and no waiver has been issued in regard to such non-compliance, OMH may issue a notice of deficiency to the Contractor. The Contractor must respond to the notice of deficiency within seven business days of receipt. Such response may include a request for partial or total waiver of SDVOB contract goals.
Waiver requests should be sent to OMH.

IV. Required Good Faith Efforts

In accordance with 9 NYCRR § 252.2(n), Contractors must document their good faith efforts toward utilizing SDVOBs on the Contract. Evidence of required good faith efforts shall include, but not be limited to, the following:

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SDVOB CLAUSES AND FORMS

- (1) Copies of solicitations to SDVOBs and any responses thereto.
- (2) Explanation of the specific reasons each SDVOB that responded to Bidders/Contractors' solicitation was not selected.
- (3) Dates of any pre-bid, pre-award or other meetings attended by Contractor, if any, scheduled by OMH with certified SDVOBs whom OMH determined were capable of fulfilling the SDVOB goals set in the Contract.
- (4) Information describing the specific steps undertaken to reasonably structure the Contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified SDVOBs.
- (5) Other information deemed relevant to the waiver request.

V. Monthly SDVOB Contractor Compliance Report

In accordance with 9 NYCRR § 252.2(q), Contractor is required to report Monthly SDVOB Contractor Compliance to OMH during the term of the Contract for the preceding month's activity, documenting progress made towards achieving the Contract SDVOB goals. This information must be submitted using form SDVOB 101 (**Exhibit 6**) and should be completed by the Contractor and submitted to OMH, by the **10th day of each month** during the term of the Contract, for the preceding month's activity to: [ENTER AGENCY DESIGNATED CONTACT(S)]

VI. Breach of Contract and Damages

In accordance with 9 NYCRR § 252.2(s), any Contractor found to have willfully and intentionally failed to comply with the SDVOB participation goals set forth in the Contract, shall be found to have breached the contract and Contractor shall pay damages as set forth therein.

ALL FORMS ARE AVAILABLE AT: <https://ogs.ny.gov/veterans/>

[THE FOLLOWING LANGUAGE IS TO BE USED WHEN THERE ARE NO SDVOB GOALS ESTABLISHED FOR THE CONTRACT. IF GOALS ARE ESTABLISHED DELETE THIS NOTE AND ALL TEXT BELOW]

Article 3 of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"), thereby further integrating such businesses into New York State's economy. OMH recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of OMH contracts. In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders/Contractors are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

For purposes of this procurement, OMH conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors, service providers, and suppliers to Contractor. Nevertheless, Bidder/Contractor is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials. The directory of New York State Certified SDVOBs can be viewed at: <https://ogs.ny.gov/veterans/> Bidder/Contractor is encouraged to contact the Office of General Services' Division of Service-Disabled Veteran's Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss methods of maximizing participation by SDVOBs on the Contract.



SDVOB UTILIZATION PLAN

Initial Plan Revised plan Contract/Solicitation #

INSTRUCTIONS: This Utilization Plan must contain a detailed description of the supplies and/or services to be provided by each NYS Certified Service-Disabled Veteran-Owned Business (SDVOB) under the contract.

BIDDER/CONTRACTOR INFORMATION SDVOB Goals In Contract

Bidder/Contractor Name: NYS Vendor ID: Bidder/Contractor Address (Street, City, State and Zip Code):

Bidder/Contractor Telephone Number: Contract Work Location/Region:

Contract Description/Title:

CONTRACTOR INFORMATION

Prepared by (Signature): Name and Title of Preparer: Telephone Number: Date:

Email Address:

If unable to meet the SDVOB goals set forth in the solicitation/contract, bidder/contractor must submit a request for waiver on the SDVOB Waiver Form.

SDVOB Subcontractor/Supplier Name:

Please identify the person you contacted: Federal Identification No.: Telephone No.:

Address: Email Address:

Detailed description of work to be provided by subcontractor/supplier:

Dollar Value of subcontracts/supplies/services (When \$ value cannot be estimated, provide the estimated % of contract work the SDVOB will perform): \$ _____ or _____%

SDVOB Subcontractor/Supplier Name:

Please identify the person you contacted: Federal Identification No.: Telephone No.:

Address: Email Address:

Detailed Description of work to be provided by subcontractor/supplier:

Dollar Value of subcontracts/supplies/services (When \$ value cannot be estimated, provide the estimated % of contract work the SDVOB will perform): \$ _____ or _____%

FOR OMH USE ONLY

OMH Authorized Signature: Accepted Accepted as Noted Notice of Deficiency

NAME (Please Print): SDVOB %/\$ Date Received: Date Processed:

Comments:

NYS CERTIFIED SDVOB SUBCONTRACTOR/SUPPLIER INFORMATION: The directory of New York State Certified SDVOBs can be viewed at: https://online.ogs.ny.gov/SDVOB/search

Note: All listed Subcontractors/Suppliers will be contacted and verified by OMH.

**EXHIBIT 1
SDVOB CLAUSES AND FORMS**

ADDITIONAL SHEET

Bidder/Contractor Name:		Contract/Solicitation # _____	
SDVOB Subcontractor/Supplier Name:			
Please identify the person you contacted:		Federal Identification No.:	Telephone No.:
Address:		Email Address:	
Detailed Description of work to be provided by subcontractor/supplier:			
Dollar Value of subcontracts/supplies/services (When \$ value cannot be estimated, provide the estimated % of contract work the SDVOB will perform): \$ _____ or _____%			
SDVOB Subcontractor/Supplier Name:			
Please identify the person you contacted:		Federal Identification No.:	Telephone No.:
Address:		Email Address:	
Detailed Description of work to be provided by subcontractor/supplier:			
Dollar Value of subcontracts/supplies/services (When \$ value cannot be estimated, provide the estimated % of contract work the SDVOB will perform): \$ _____ or _____%			
SDVOB Subcontractor/Supplier Name:			
Please identify the person you contacted:		Federal Identification No.:	Telephone No.:
Address:		Email Address:	
Detailed Description of work to be provided by subcontractor/supplier:			
Dollar Value of subcontracts/supplies/services (When \$ value cannot be estimated, provide the estimated % of contract work the SDVOB will perform): \$ _____ or _____%			
SDVOB Subcontractor/Supplier Name:			
Please identify the person you contacted:		Federal Identification No.:	Telephone No.:
Address:		Email Address:	
Detailed Description of work to be provided by subcontractor/supplier:			
Dollar Value of subcontracts/supplies/services (When \$ value cannot be estimated, provide the estimated % of contract work the SDVOB will perform): \$ _____ or _____%			
SDVOB Subcontractor/Supplier Name:			
Please identify the person you contacted:		Federal Identification No.:	Telephone No.:
Address:		Email Address:	
Detailed Description of work to be provided by subcontractor/supplier:			
Dollar Value of subcontracts/supplies/services (When \$ value cannot be estimated, provide the estimated % of contract work the SDVOB will perform): \$ _____ or _____%			

**EXHIBIT 1
SDVOB CLAUSES AND FORMS**

APPLICATION FOR WAIVER OF SDVOB PARTICIPATION GOAL

(must be submitted before requesting final payment on the Contract)

Section 1: Basic Information	
Contractor's Name:	Federal Identification Number:
Street Address:	E-Mail Address:
City, State, Zip Code:	Telephone: () -
Contract Number:	SDVOB CONTRACT GOALS
	%

Section 2: Type of SDVOB Waiver Requested			
<input type="checkbox"/> Total	<input type="checkbox"/> Partial	If partial waiver, please enter the revised SDVOB percentage:	%
Please explain the reason for the waiver request:			

Section 3: Supporting Documentation
<p>Provide the following documentation as evidence of your good faith efforts to meet the SDVOB goals set forth in the contract and in support of your waiver application:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Attachment A. Copies of solicitations to SDVOBs and any responses thereto. <input type="checkbox"/> Attachment B. Explanation of the specific reasons each SDVOB that responded to Bidders/Contractors' solicitation was not selected. <input type="checkbox"/> Attachment C. Dates of any pre-bid, pre-award or other meetings attended by Contractor, if any, scheduled by OMH with certified SDVOBs whom OMH determined were capable of fulfilling the SDVOB goals set forth in the contract. <input type="checkbox"/> Attachment D. Information describing the specific steps undertaken to reasonably structure the contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified SDVOBs. <input type="checkbox"/> Attachment E. Other information deemed relevant to the request.

Section 4: Signature and Contact Information	
<p>By signing and submitting this form, the contractor certifies that a good faith effort has been made to promote SDVOB participation pursuant to the SDVOB requirements set forth under the solicitation or Contract. Failure to submit complete and accurate information may result in a finding of noncompliance, non-responsibility, and a suspension or termination of the contract.</p>	
Prepared By: (Signature)	Date:
Name and Title of Preparer (Print or Type)	

**EXHIBIT 1
SDVOB CLAUSES AND FORMS**

For OMH Use Only	
Reviewed By:	Date:
<p>Decision:</p> <p><input type="checkbox"/> Full SDVOB waiver granted</p> <p><input type="checkbox"/> Partial SDVOB waiver granted; revised SDVOB goal: _____ %</p> <p><input type="checkbox"/> SDVOB waiver denied</p>	
Approved By:	Date:
Date Notice of Determination Sent:	
Comments	

EXHIBIT 2 BPES – Organizational Chart

