



Capital Grants for the Preservation, Expansion and/or Restructuring of  
Children's Mental Health Clinics and Residential Treatment Facilities  
Request for Proposals

Grant Procurement

May, 2018

(On-Line Submission Required)

## Table of Contents

<b>1.0 Introduction and Background .....</b>	<b>3</b>
1.1 Purpose of the Request for Proposal .....	3
<b>2.0 Proposal Submissions .....</b>	<b>3</b>
2.1 Designated Contact/Issuing Officer .....	3
2.2 Key Events/Timeline .....	4
2.3 RFP Questions and Clarifications .....	4
2.4 Addenda to Request for Proposals .....	4
2.5 Eligible Agencies .....	4
2.6 Disqualification Factors .....	5
2.7 Proposals Executive Order #38 .....	6
2.8 Grants Gateway Requirement.....	6
2.9 Instructions for Bid Submission and Required Format.....	6
2.9.1 Proposal Submission Process .....	6
2.9.2 How to Submit a Proposal in NYS Grants Gateway.....	7
2.9.3 Instructions for Completing the Capital-Based Budget in Grants Gateway.....	8
2.9.4 Instructions for completing the Workplan and Objectives in NYS Grants Gateway .....	9
<b>3.0 Administrative Information .....</b>	<b>10</b>
3.1 Reserved Rights.....	10
3.2 Debriefing .....	11
3.3 Protests Related to the Solicitation Process.....	11
3.4 Term of Contracts.....	11
3.5 Minority and Women Owned Business Enterprises and Service Disabled Veteran Owned Business Enterprises.....	12
3.6 Equal Employment Opportunity .....	14
<b>4 Evaluation Factors for Awards .....</b>	<b>14</b>
4.1 Evaluation Criteria .....	14
4.2 Method for Evaluating Proposals.....	15
4.3 Process for Awarding Contracts .....	15
4.3.1 Initial Awards and Allocations .....	15
4.3.2 Reallocation Process .....	16
4.3.3 Award Notification.....	16
<b>5.0 Scope of Work.....</b>	<b>17</b>
5.1 Introduction .....	17
5.2 Reporting Requirements .....	18
5.3 Funding .....	18
5.4 Proposal Narrative .....	18
5.4.1 Executive Summary .....	18
5.4.2 Demonstration of Need .....	19
5.4.3 Capital Project Development.....	19
5.4.4 Project Impact.....	20
5.4.5 Program Viability and Sustainability Assessment.....	20
5.5 Financial Assessment .....	20

### Appendices

- Appendix A: Capital Budget Format
- Appendix A1: Budget Narrative Form

## **1.0 Introduction and Background**

### **1.1 Purpose of the Request for Proposal**

The New York State Office of Mental Health (OMH) announces the availability of capital funds for the preservation, restructuring and/or expansion of OMH Article 31 Licensed Residential Treatment Facilities (RTFs) and Mental Health Clinics licensed to serve children throughout New York State. Successful Applicants will demonstrate in their proposal a direct relationship between the proposed capital project and an improvement in the program's viability, accessibility, the quality of the service delivery/environment and/or the capacity to meet their population needs.

Priority (as defined in Section 4.3.1) will be given to RTFs and OMH designated Vital Access Provider (VAP) outpatient mental health clinic awardees serving children.

This Request for Proposals (RFP) is intended to address capital needs to better meet the emerging needs of the children's behavioral health system in one or more of the following areas:

- A) Preservation – such as, activities to address physical plant issues and to restore to previously existing conditions in order to “preserve” the safe functionality and/or ongoing viability of the clinic or RTF.
- B) Restructuring – such as, activities related to physical layout changes to the building and/or functional repurposing of a portion of the building.
- C) Expansion- such as, activities that create additional program space through physical layout changes to the building (including acquisition of a new or alternate location) in order to provide additional services.

## **2.0 Proposal Submissions**

### **2.1 Designated Contact/Issuing Officer**

OMH has assigned an Issuing Officer for this project. The Issuing Officer or a designee shall be the sole point of contact regarding the RFP from the date of issuance of the RFP until the issuance of the Notice of Conditional Award. To avoid being deemed non-responsive, a bidder is restricted from making contact with any other personnel of OMH regarding the RFP. Certain findings of non-responsibility can result in rejection for a contract award. Contacts made to any other OMH or other State personnel regarding this procurement may disqualify the Applicant and affect future procurements with governmental entities in the State of New York. The Issuing Officer for this RFP is:

Carol Swiderski  
Contract Management Specialist II  
New York State Office of Mental Health  
Contracts and Claims  
7<sup>th</sup> Floor  
Holland Avenue  
Albany, NY 12229

**2.2 Key Events/Timeline**

Capital Kids RFP Events	Date
RFP Release Date	5/17/18
Questions Due	5/31/18
Questions & Answers Posted on Website*	6/14/18
Proposals Due by 4:00:00 p.m. Eastern Time (ET)	8/1/18
Conditional Award Notification*	9/1/18
Anticipated Start Date*	1/1/19

\*Tentative Dates

**2.3 RFP Questions and Clarifications**

All questions or requests for clarification concerning the RFP shall be submitted in writing to the Issuing Officer by fax at (518) 402-2529 or by email at [Carol.Swidorski@omh.ny.gov](mailto:Carol.Swidorski@omh.ny.gov) by the “Questions Due Date” indicated in 2.2. The questions and official answers will be posted on the OMH website as well as an upload in the Grants Gateway by the date indicated in 2.2 and will be limited to addressing only those questions submitted by the deadline. No questions will be answered by telephone or in person.

**2.4 Addenda to Request for Proposals**

It is the Applicant’s responsibility to periodically review the OMH website to learn of revisions or addendums to this RFP. Changes to the RFP will also be posted in the NYS Contract Reporter. No other notification will be given.

**2.5 Eligible Agencies**

Eligible Applicants are not-for-profit organizations exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code. Providers licensed pursuant to Article 28 of Public Health Law and Federally Qualified Health Centers are not eligible to apply. This grant is specifically targeted to Article 31 free-standing:

- A) Clinics licensed to serve children
- B) Residential Treatment Facilities (RTFs)

Programs with operating profits in excess of ten percent for each of the three most recent fiscal years, as reported in the Consolidated Fiscal Reports(CFR), are not eligible to apply (Downstate: 2014-2015, 2015-2016 and 2016-2017; Upstate: 2014-2016.)

Eligible Applicants must be current on all CFR Requirements, as of the proposal due date identified in section 2.2.

Eligible Applicants as defined above will hereinafter be known as the ‘Applicant.’

The Applicant Agency and Program must be in good standing with their local government unit and OMH. The Applicant Agency and Program must be fiscally viable (this shall be determined through Section 5.4.5: Applicant Viability and Sustainability Assessment.)

**Each application must identify a single, distinct project proposal per project site.** If an Applicant submits a single proposal for multiple RTF or clinic sites, the proposal will be disqualified. Agencies operating multiple clinics and/or RTFs may request funding for more than one clinic or RTF site. However, a separate, unique and distinct project proposal must be submitted for each program site. An Applicant's response to Program Specific Questions should reflect the unique scope of work for the specific program site and the proposed work. For Applicants submitting multiple applications, simple duplication of responses to the Program Specific Questions will not be considered as responsive to the RFP.

Agencies operating multiple clinics and/or RTFs may request funding for either programs. **An agency may not submit more than two applications in total in response to this RFP.**

If the Applicant is a Vital Access Provider (VAP) awardee, when the Applicant completes the "Program/Site Address" Section of Grants Gateway, the Applicant must select "VAP awardee" from the drop down menu under "Name/Description." If OMH cannot verify Program identity based on state agency records, the proposal will not be eligible for prioritization, as described in Section 4.3.1. If the Applicant does not identify as a VAP awardee in the "Program/Site Address" section of Grants Gateway, they may not be eligible for prioritization, as described in Section 4.3.1.

If the Applicant is a RTF, when the Applicant completes the "Program/Site Address" Section of Grants Gateway, the Applicant must select "RTF" from the drop-down menu under "Name/Description." If OMH cannot verify Program identification based on state agency records, the proposal will not be eligible for prioritization. If the Applicant does not identify as a RTF in the "Program/Site Address" section of Grants Gateway, they may not be eligible for prioritization as described in Section 4.3.1

If unsure if your agency is an eligible Applicant, contact the Issuing Officer identified in Section 2.1.

Applicants are required to complete specific responses in Section 5.4: *Proposal Narrative/ Program Work Plan Objectives.*

## **2.6 Disqualification Factors**

Following the opening of bids, a preliminary review of all proposals will be conducted by the Issuing Officer or a designee to review each proposal's submission for completeness (as defined in Section 4.2) and verify that all eligibility criteria (as defined in Section 2.5) has been met. Additionally, during the proposal evaluation process, evaluators will also be reviewing eligibility criteria and confirming that they have in fact been met. During the course, of either of these review processes proposals that do not meet basic participation standards will be disqualified, specifically:

- A) Proposals from Applicants that do not meet the eligibility criteria as outlined in 2.5; or
- B) Proposals that do not comply with bid submission and/or required format instructions as specified in 2.9 or
- C) Proposals from eligible not-for-profit Applicants who have not completed Vendor Prequalification, as described in 2.8, by the proposal due date of 4:00:00 PM on the "Proposal Due" date as indicated in section 2.2.

## **2.7 Proposals Executive Order #38**

Pursuant to Executive Order #38 (<http://governor.ny.gov/executiveorder/38>), dated January 18, 2012, OMH promulgated regulations regarding limits on administrative costs and executive compensation paid by covered providers. See 14 NYCRR Part 513. Any contract awarded through this RFP will be subject to such restrictions and to related requirements. See OMH Master Contract Forms and Instructions, Attachment A-1, section A.12 (Mental Health Regulations). See also <http://executiveorder38.ny.gov/>.

## **2.8 Grants Gateway Requirement**

Pursuant to the New York State Division of Budget Bulletin H-1032, dated June 7, 2013, New York State has instituted key reform initiatives to the grant contract process which require not-for-profits to register in the Grants Gateway and complete the Vendor Prequalification process in order for proposals to be evaluated and any resulting contracts executed. Information on these initiatives can be found at

[https://grantsgateway.ny.gov/IntelliGrants\\_NYSGG/module/nysgg/goportal.aspx](https://grantsgateway.ny.gov/IntelliGrants_NYSGG/module/nysgg/goportal.aspx)

Proposals received from eligible not-for-profit Applicants who have not been prequalified by 4:00:00 pm the "Proposal Due" date as indicated in 2.2 cannot be evaluated; therefore, such proposals will be disqualified from further consideration.

Please do not delay in beginning and completing the prequalification process. The State reserves 5 days to review submitted prequalification applications. Prequalification applications submitted to the State for review less than 5 days prior to the RFP due date and time may not be considered. Applicants should not assume that their prequalification information will be reviewed if they do not adhere to this timeframe.

## **2.9 Instructions for Bid Submission and Required Format**

**PROPOSALS ARE DUE at 4:00:00 pm on the "Proposal Due" date as indicated in section 2.2.**

Each application must identify a single, distinct project proposal per project site. Agencies operating multiple clinics and/or RTFs may request funding for either programs. However, an agency may submit no more than two proposals.

### **2.9.1 Proposal Submission Process**

All Applicants must be registered with the New York State Grants Gateway System (GGS) and all Not-for-Profit agencies must be prequalified prior to proposal

submission.

If you are not already registered: **REGISTER WITH THE GRANTS GATEWAY.**

Registration forms are available at the GGS website:

<http://www.grantsreform.ny.gov>.

Include your SFS Vendor ID on the form; if you are a new vendor and do not have a SFS Vendor ID, include a Substitute for W-9 with your signed, notarized registration (also available from the website).

All registration must include an Organization Chart in order to be processed. When you receive your login information, log in and change your password.

If you are an Applicant, and have problems complying with this provision, please contact the GGS help desk via email: [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov)-- OR -- by telephone: 1-518-474-5595.

### **2.9.2 How to Submit a Proposal in NYS Grants Gateway**

Proposals must be submitted online via the Grants Gateway by the date and time posted on the cover of this RFP. Tutorials (training videos) for use of the Grants Gateway are available at the following web address (and upon user log in):

<http://www.grantsreform.ny.gov/Grantees>.

To apply, log into the Grants Gateway and click on the View Opportunities button under View Available Opportunities. To get started, in the Search Criteria, enter the Grant Opportunity name provided on the cover page of this RFP, select the Office of Mental Health as the Funding Agency and hit the Search button. Click on the name of the Grant Opportunity from the search results grid and then click on the APPLY FOR GRANT OPPORTUNITY button located at the bottom left of the Main page of the Grant Opportunity.

In order to access the online proposal and other required documents such as the attachments, you **MUST** be registered and logged into the NYS Grants Gateway system in the user role of either a “Grantee” or a “Grantee Contract Signatory”. For further information on how to apply, please access the Grantee Quick Start Guide under the Pre-Submission Upload Properties for this opportunity.

Reference materials and videos are available for Grantees applying to funding opportunities on the NYS Grants Gateway. Please visit the Grants Reform website at the following web address: <http://www.grantsreform.ny.gov/Grantees> and select the “Grantee Quick Start Guide” from the menu.

There is a more detailed “Grantee User Guide” available on this page as well. Late proposals will not be accepted. Proposals will not be accepted via fax, e-mail, hard copy or hand delivery.

In order to apply, you need to be logged in as a Grantee, Grantee Contract Signatory, or Grantee System Administrator. The Grantee Delegated Administrator cannot start an application.

**Helpful Links**

Some helpful links for questions of a technical nature are below. Questions regarding specific opportunities or proposals should be directed to the OCFS contact listed on the cover of this RFP. <http://www.grantsreform.ny.gov/Grantees>.

Grants Reform Videos (includes a document vault tutorial and an application tutorial) on YouTube:

<http://www.youtube.com/channel/UCYnWskVc7B3ajjOVfOHL6UA>

Agate Technical Support Help Desk  
 Phone: 1-800-820-1890  
 Hours: Monday thru Friday 8am to 8pm  
 Email: [helpdesk@agatesoftware.com](mailto:helpdesk@agatesoftware.com)

(Technical questions)  
 Grants Team: (Proposal Completion, Policy, and Registration questions)  
<http://www.grantsreform.ny.gov/>

**2.9.3 Instructions for Completing the Capital-Based Budget in Grants Gateway**

Applicants must complete an itemized Capital-Based Budget in the Grants Gateway that provides detailed projected expenses for the proposed capital project expected after the date of contract execution (for tentative date, see Section 2.2.) For Applicants convenience, reference Appendix A to view the format of the Capital Budget to be completed in Grants Gateway. The itemized values in the Capital Budget must clearly distinguish between expenses to be claimed under the State grant share and expenses to be covered by alternative sources of funding (if applicable). Match Funds are not required. Please use the Other Funds column to indicate amounts for any applicable funding necessary for the project other than the funds requested under this RFP. Note that the Scoping and Predevelopment, as well as Work Capital/ Reserves categories of expenses are not eligible categories, and are therefore not available for entries.

Please use the table below as reference for allowable costs under each Category of Expense in the Capital-Based Budget. This is not an exhaustive list of eligible expenses. However, any expense not listed on the table below are subject to the approval by OMH.

<b>Category of Expense</b>	<b>Allowable Costs</b>
Construction	Construction, contingency, site work
Design	Architect fees, engineering fees
Acquisition	Land / building, closing costs, survey, appraisal
Administration	Legal fees, accounting fees
Other	Permits, site testing, insurance, owner’s representative,

Unallowable expenses include, but are not limited to:

- Costs associated with the operations of the subject clinic or RTF;
- Interest, fees or other costs associated with other capital funding sources related to the proposed project;
- Costs associated with applying for or administering the OMH capital grant;
- Debt service; or
- Reimbursement of acquisition or carrying costs for property already owned by the applicant.

In the Financial Assessment of the application, the Applicant will be asked for a breakdown, explanation and justification of the projected costs included in the Capital Budget in a Budget Narrative. The Applicant will be expected to provide cost estimates and upload supporting documentation for those estimates (i.e. – an estimate or estimates prepared by a design or construction professional) in response to Question 6a in Section 5.5.

The Applicant's Capital Budget and a Budget Narrative for the proposed capital project will account for 20% of the evaluation factor in the scoring of the application; therefore, attention to budget accuracy and sufficient justification for proposed costs will increase your project score.

Applicants must complete the entirety of their Capital Budget in Grants Gateway. Do not upload your own Capital Budget form. Failure to complete the Capital Budget in Grants Gateway may be cause to reject your proposal for non-responsiveness.

#### **2.9.4 Instructions for completing the Workplan and Objectives in NYS Grants Gateway**

The Workplan Overview Form will be used to create the Work Plan portion of the contract. Some of the information requested will be duplicative of information provided earlier in the application. You may copy/paste or summarize previous responses where appropriate when developing your Project Summary and/or Organizational Capacity narratives. Be sure to follow the guidance provided below.

The Work Plan Period should reflect the anticipated capital contract period. Capital contracts will be approved for a five-year term.

The Project Summary section should include a high-level overview of the project as instructed. The narrative provided in response to the executive summary requested in 5.4.1, question 1.b. is sufficient.

The Organizational Capacity section should include the information requested regarding staffing and relevant experience of staff and any applicable consultants to be involved in undertaking the proposed capital project.

The Objectives and Tasks section should identify grantee-defined objectives and tasks that are relevant to the completion of the proposed project. Under the Forms menu click on Objectives-Tasks and enter a description of the first objective. Click Save. Click the Task link in the Forms Menu navigation panel to add a Task

associated with the Objective. Click Save. Click the Performance Measures link in the Forms Menu navigation panel to add a Performance Measure associated with the Task. For Performance Measure Name restate the Objective then enter the narrative requested in the box below. Performance Measures are also grantee-defined, and should reflect some measurable benchmark(s) in order to demonstrate adequate progress within the 18 months of the award date, as required by the RFP. Once entered, click Save. To add additional Objectives and Tasks, click the Forms Menu, followed by Objectives and Tasks, then select the Add button.

The online Workplan is essentially an outline/summary of the work associated with the Project(s) described in the sections above. Please note that if an application is selected for award, the Workplan will be subject to change and can be updated during the contract development/negotiation process.

Applicants should refer to Section 6.2.10.2 – Grantee Defined Workplan of the ‘Grantee User Guide’ (available on the Grants Reform website) for detailed instructions on how to complete the Workplan.

### **3.0 Administrative Information**

#### **3.1 Reserved Rights**

OMH reserves the right to:

- Reject any or all proposals received in response to the RFP that are deemed non-responsive or do not meet the minimum requirements;
- Withdraw the RFP at any time, at the Agency’s sole discretion;
- Make an award under the RFP in whole or in part and otherwise make funding decisions that maximize compliance with and address the outcomes and priorities identified in this RFP;
- Disqualify an Applicant whose conduct fails to conform to the requirements of the RFP;
- Seek clarifications of proposals for the purposes of assuring a full understanding of the responsiveness to the solicitation requirements;
- Use proposal information obtained through 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 the agency’s request for clarifying information in the course of evaluation and/or selection under the RFP;
- Prior to the bid opening, direct Applicants to submit proposal modifications addressing subsequent RFP amendments;
- Prior to the bid opening, amend the RFP specifications to correct errors or oversights, supply additional information, or extend any of the scheduled dates or requirements and provide notification to potential Applicants via the OMH website and the New York State (NYS) Contract Reporter;
- Eliminate any non-material specifications that cannot be complied with by all of the prospective Applicants;
- Change any of the scheduled dates;
- Waive any requirements that are not material;
- Negotiate any aspect of the proposal within the Scope of the RFP in order to assure that the final agreement meets OMH objectives;

- Conduct contract negotiations with the next responsible Applicant, should the agency be unsuccessful in negotiating with the selected Applicant;
- Require clarification at any time during the procurement process and/or require correction of mathematical 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 the solicitation;
- Conduct a readiness review of each selected Applicant prior to the execution of the contract as set forth in Section 4.3
- Rescind awards should awardees fail to meet prescribed timeframes for contract development and /or signature; and
- Cancel or modify contracts due to the lack of fiscal appropriations.

### **3.2 Debriefing**

OMH will issue award and non-award notifications to all Applicants. Applicants that do not receive an award may make a written request for a debriefing regarding the reasons that their own proposal was not selected or disqualified, within 15 business days of the dated OMH notification letter. Written debriefing requests may be sent to the Designated Contact, as defined in Section 2.1 of this RFP.

### **3.3 Protests Related to the Solicitation Process**

Protests of an award decision must be filed within fifteen (15) business days after the notice of conditional award or non-award, or 5 business days after debriefing. The Commissioner or her designee will review the matter and issue a written decision within twenty (20) business days of receipt of the protest.

All protests must be in writing and must clearly and fully State the legal and factual grounds for the protest and include all relevant documentation. The written documentation should clearly State reference to the RFP title and due date.

Such protests must be submitted to:

NYS Office of Mental Health  
Ann Marie T. Sullivan, M.D., Commissioner  
44 Holland Avenue  
Albany, NY 12229

### **3.4 Term of Contracts**

Contracts for Capital Construction costs will be developed in accordance with the process outlined in Section 4.3.1, upon approval of the capital projects costs by OMH and the Division of Budget (DOB). The term of such contracts shall be determined as part of the contract development process.

The State's Prompt Contracting and Vendor Responsibility provisions require all State agencies to complete contract development and the signatory process in accordance with statutorily prescribed timeframes. It is expected that awardees will be available and prepared to respond within the statutorily required timeframes. Awardees who cannot meet the prescribed timeframes for contract development and/or signature may, at the OMH's sole discretion, be denied funds awarded to it under this RFP. For the anticipated start date, see section 2.2. OMH reserves the right to change

the first year's contract term, as stated above. Selected Applicants awarded a contract under this RFP will be required to adhere to all terms and conditions in OMH's Master Grant Contract. The Master Contract Form is available on the Grants Gateway.

The OMH Master Grant Contract Forms and instructions are available at:  
[www.omh.ny.gov/omhweb/resources/providers/directcontract/](http://www.omh.ny.gov/omhweb/resources/providers/directcontract/).

### **3.5 Minority and Women Owned Business Enterprises and Service Disabled Veteran Owned Business Enterprises**

OMH recognizes its obligation to promote opportunities for maximum feasible participation of certified minority and women-owned business enterprises ("MWBEs") and the employment of minority group members and women in the performance of OMH contracts. In accordance with New York State Executive Law Article 15-A, OMH hereby establishes a 16% goal for Minority-owned Business Enterprise ("MBE") participation, a 14% goal for Women-owned Business Enterprise ("WBE") participation, and a 6% goal for Service-Disabled Veteran-owned Business Enterprises ("SDVOB") participation on any award resulting from this solicitation in excess of \$25,000 for commodities and services or \$100,000 for construction.

With respect to MWBEs, each award recipient must document its good faith efforts to provide meaningful opportunities for participation by MWBEs as subcontractors and suppliers in the performance of the project to be described in each grant disbursement agreement, and must agree that OMH may withhold payment pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how OMH will determine a Contractor's "good faith efforts," refer to 5 NYCRR § 142.8.

In accordance with 5 NYCRR § 142.13, each award recipient acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth herein and in its grant disbursement agreement, such finding constitutes a breach of contract and OMH may withhold payment from the award recipient as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the award recipient achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the grant disbursement agreement.

By submitting an application, an Applicant agrees to demonstrate its good faith efforts to achieve its goals for the utilization of MWBEs by submitting evidence thereof in such form as OMH shall require.

Additionally, an Applicant may be required to submit the following documents and information as evidence of compliance with the foregoing:

An MWBE Utilization Plan, which shall be submitted in conjunction with the execution of the grant disbursement agreement except as otherwise authorized by OMH. Any modifications or changes to the MWBE Utilization Plan after the execution of the grant disbursement agreement must be reported on a revised MWBE Utilization Plan and

submitted to OMH.

OMH will review the submitted MWBE Utilization Plan and advise the award recipient of OMH acceptance or issue a notice of deficiency within 30 days of receipt. If a notice of deficiency is issued, the award recipient will be required to respond to the notice of deficiency within seven (7) 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 found by OMH to be inadequate, OMH shall notify the award recipient and direct the award recipient to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

OMH may refuse to enter into a grant disbursement agreement, or terminate an existing grant disbursement agreement resulting from this solicitation, under the following circumstances:

- a) If an award recipient fails to submit a MWBE Utilization Plan;
- b) If an award recipient fails to submit a written remedy to a notice of deficiency
- c) If an award recipient fails to submit a request for a waiver; or
- d) If OMH determines that the award recipient has failed to document good faith efforts.

The award recipient will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the project. Requests for a partial or total waiver of established goal requirements may be made at any time during the term of the project, but must be made no later than prior to the submission of a request for final payment under the grant disbursement agreement.

Each award recipient will be required to submit a Quarterly M/WBE Contractor Compliance & Payment Report to OMH over the term of the project, in such form and at such time as OMH shall require, documenting the progress made toward achievement of the MWBE goals established for the project.

With respect to Service-Disabled Veteran-Owned Business Enterprises (SDVOBs), information about SDVOB certification and set asides for SDVOB participation in public procurement can be found at: <http://www.ogs.ny.gov/Core/SDVOBA.asp>, which provides information about SDVOB certification and guidance for State agencies in making determinations and administering set asides for procurements from SDVOBs.

Contractor agrees, to the maximum extent practical and consistent with legal requirements of the State Finance Law, the Executive Law and any implementing regulations, to use NYS certified 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. Contractor acknowledges being subject to the provisions of Executive Law Article 17-B and the applicable regulations (9 NYCRR Part 252), and that the directory of NYS certified SDVOBs is located at: <https://online.ogs.ny.gov/SDVOB/search>

Contractor acknowledges that the SDVOB utilization goal for this Agreement is 6%. Contractor further acknowledges that this requirement is separate and distinct from the similar requirement to utilize small, and minority and women-owned businesses (M/WBEs), consistent with current State law (Executive Law, Article 15-A).

### **3.6 Equal Employment Opportunity**

By submission of a bid or proposal in response to this solicitation, the Applicant agrees with all of the terms and conditions of Master Contract Forms and Instructions for Grants - Standard Terms and Conditions. The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the Contractor, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The Applicant will be required to submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement, Form # 4, to the State Contracting Agency with their bid or proposal. To ensure compliance with this Section, the Applicant will be required to submit with the bid or proposal an Equal Employment Opportunity Staffing Plan (Form # to be supplied during contracting process) identifying the anticipated work force to be utilized on the Contract. If awarded a Contract, Contractor shall submit a Workforce Utilization Report and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by the Contracting State Agency on a monthly or quarterly basis during the term of the contract. 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 Contractor and sub-contractors 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 the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest. Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

## **4.0 Evaluation Factors for Awards**

### **4.1 Evaluation Criteria**

All proposals will be reviewed and scored based on an evaluation of each Applicant's written submission as well as OMH internal reviews.

The Evaluation will apply points in the following categories, as defined in Section 5.4.

<b>Technical Evaluation</b>	<b>Points</b>
Section 5.4.1 Executive Summary	10
Section 5.4.2 Demonstration of Need	30
Section 5.4.3 Capital Project Development	25
Section 5.4.4 Project Impact	5
Section 5.4.5 Program Viability and Sustainability Assessment	10
<b>Financial Assessment, Section 5.5</b>	<b>20</b>
<b>Total Proposal Points</b>	<b>100</b>

For a detailed description of evaluation criteria for the Technical Evaluation and the Financial Assessment components, see Section 5.4

#### **4.2 Method for Evaluating Proposals**

Designated staff will review each proposal for completeness and verify that all eligibility criteria are met. If a proposal is not complete or does not meet the basic eligibility and participation standards as outlined in Sections 2.5 and 2.6, the proposal will be eliminated from further review. The Applicant will be notified of the rejection of its proposal within 10 working days.

Evaluation of proposals will be conducted in two parts: Technical Evaluation and Financial Assessment. OMH's evaluation committee, consisting of at least three evaluators, will review the technical portion of each proposal and compute a technical score. A fiscal score will be computed separately based on the Capital Budget in Grants Gateway and Budget Narrative (Appendix A1) submitted.

Evaluators of the Technical Evaluation component may then meet to discuss the basis of those ratings. Following the discussion, evaluators may independently revise their original score in any section. Once completed, final Technical Evaluation scores will then be recalculated, averaged, and applied to the final Financial Assessment score to arrive at final scores. Any proposal not receiving a minimum average score of 70 will be eliminated from consideration.

In case of a tie in the scoring process, the proposal with the highest score on the Section 5.4.2: *Demonstration of Need* will be ranked higher.

#### **4.3 Process for Awarding Contracts**

##### **4.3.1 Initial Awards and Allocations**

OMH will review and evaluate funding proposals submitted by an eligible Applicant per the criteria set forth in Section 5.4 of this RFP.

Applicants will be rated based on their final total score. Applicants that receive a final total score of less than 70 will be ineligible to receive capital funding.

Up to \$20 million in capital funding will be awarded through this RFP. Applicants

may request a minimum of \$200,000 and a maximum of \$1.5 million per application. The awards will be allocated as follows:

Up to \$4 million will be allocated to RTF Applicants in rank score order from all passing scores.

Up to \$4 million will be allocated to VAP-designated child serving clinic Applicants in rank score order from all passing scores.

The balance of the remaining funding will be awarded to all Applicants with passing scores in rank score order.

Should there be money remaining in the \$4 million allocated to RTF Applicants and/ or \$4 million allocated to VAP designated child serving clinic Applicants, that money will be added to the amount eligible to be awarded to all Applicants with passing scores in rank order.

OMH will determine the final award amount and distribution of funding based on the amounts indicated above, the technical scoring, and actual construction costs. OMH reserves the right to award the funding in a manner that best achieves the goals and intent of the RFP.

#### **4.3.2 Reallocation Process**

There are factors that may result in the awarded funding being rescinded and reallocated. These include, but are not limited to, an OMH determination that the agency has failed to adequately progress a project within 18 months of the award notification date; a failure to successfully and properly secure the grant through a state aid grant lien; or an OMH determination that a lease for a site is not minimally commensurate with the bond amortization and said lease cannot be renegotiated. By submitting a response to this RFP, an agency acknowledges that any determination to rescind and/or reallocate funding is solely at the discretion of OMH. An agency will be provided notification if the awarded funding is to be rescinded and reallocated.

In the instance of reallocation of funding, OMH will begin with any proposal that was partially funded, in order of score, subject to the funding limits of the RFP. If the agency does not accept the award, and/or additional uncommitted funding remains, OMH will go to the next highest ranked proposal that did not receive an initial award, and will work its way down the list until the funding is fully committed. In the event that none of these agencies accept, and/or additional uncommitted funding remains, OMH will go back to the top of the list in rank order to offer additional funding as needed, in furtherance of the goals of this RFP.

#### **4.3.3 Award Notification**

At the conclusion of the procurement, notification will be sent to all successful and non-successful Applicants.

The award is further subject to the submission and approval of an EZ- Prior Application Review (PAR) application. The EZ-PAR process will require Applicants to provide proof that they have sufficient authorization and control to undertake the

capital project at the project site. In order to determine that the Applicant owns, leases, or otherwise has control over the site where the project will be located, Applicants must provide a copy of the deed or lease for the site as part of the EZ-PAR. Additionally, if the Applicant is leasing the project site, a Letter of Support from the site owner to conduct proposed work will be required as part of EZ-PAR process. If the site is not under the Applicant's control, proof that the lease for the site is minimally commensurate with the bond amortization will also be required. (See section 4.3.2 for more information regarding Applicant's and site control.)

OMH reserves the right to conduct a readiness review of the selected Applicant prior to the execution of the contract. The purpose of this review is to verify that the Applicant is able to comply with all participation standards and meets the conditions detailed in its proposal.

Once an Applicant is notified of an award through this RFP, they will also be required to submit an "Appraisal & Feasibility Request Form." Division of Integrated Community Services for Children and Families and Bureau of Housing Development and Support staff will review this information and may contact the agency for further information regarding the planned capital improvements and/or to arrange a visit to the site. If the site is acceptable, OMH will order a feasibility study to further evaluate the proposed plan.

The Capital Budgets of awardees are subject to approval by the OMH Division of Integrated Community Services for Children and Families and Bureau of Housing Development and Support after further analysis of each individual project before the Capital Budget is finalized.

Finally, the cost of construction or renovation must fall within a range that OMH can support. Capital funding award grant amounts will be determined and made by OMH to a successful and selected Applicant after Capital Budgets are determined. Capital contracts will be finalized when the Division of the Budget (DOB,) the NYS Attorney General and the Office of State Comptroller approval is received. Neither OMH nor the State of New York is liable for any expenditure incurred or made by an Applicant until the applicable action(s) listed above occur.

This capital funding is made available as interest free construction financing and it must be repaid with a Dormitory Authority of the State of New York (DASNY) bond mortgage. OMH would in turn fund the annual debt service for this mortgage. The Applicant must agree to an Assignment Agreement allowing OMH to make payments directly to DASNY on behalf of the Applicant.

## **5.0 Scope of Work**

### **5.1 Introduction**

This RFP is designed to support capital improvements to current Article 31 OMH Licensed Residential Treatment Facilities (RTFs) and Mental Health Clinics Licensed to serve children. The funding is intended to provide for the preservation, restructuring and/or expansion of facilities to support the children's behavioral health system. For example, the funding can help complete necessary physical enhancements and modifications to: a) Implement activities planned under a RTF Pilot Proposal; b) Develop a specialized treatment unit or c) Improve capacity to better

serve children and families. Successful Applicants will demonstrate in their proposal a direct relationship between the proposed capital project and an improvement in the program's accessibility, the quality of the service delivery /environment or the capacity to meet their population needs.

## 5.2 Reporting Requirements

Agencies must conform to all OMH fiscal reporting requirements as outlined in the "Consolidated Fiscal Reporting and Claiming Manual." These guidelines are available at:[http://www.oms.nysed.gov/rsu/Manuals\\_Forms/Manuals/CFRManual/documents/FINAL-MANUAL050218.pdf](http://www.oms.nysed.gov/rsu/Manuals_Forms/Manuals/CFRManual/documents/FINAL-MANUAL050218.pdf)

Agencies awarded the contract(s) for RTFs will be required to maintain accurate reporting of all admissions and discharges through OMH's Child and Adult Integrated Reporting System (CAIRS), and any requirements that OMH may subsequently develop.

## 5.3 Funding

Funding for the capital development costs associated with the preservation, restructuring and/or expansion of a current child serving mental health clinic or RTF site is available. Capital development costs may include, but not limited to, cost of planning and consultants, construction, renovation, acquisition and equipment needed to complete capital project.

Proposals may include durable goods (equipment or furnishings) as a component of a general capital needs plan. The portion of durable goods requested to be funded must comprise less than 50% of funding requested. If the Applicant submits a proposal in which durable goods exceeds 50% of the funding request, the proposal will be disqualified.

**Costs associated with the project that are incurred prior to the date of contract execution (for tentative date, see Section 2.2,) may not be reimbursed from grant funds.**

Funds available through this Capital Grant are not to be used to support the on-going operational needs of the programs.

Applicants are reminded that the funding for capital development is contingent upon the continued availability of State appropriations.

## 5.4 Proposal Narrative

When submitting proposals for funding under this RFP, the narrative must address all of the questions listed below, in the following order:

### 5.4.1 Executive Summary

**Question 1a.** Provide a brief description of 1) the services that the Applicant Program provides and 2) the population the program serves. Provide as much specific demographic information as possible, including, but not limited to, age group, specialized clinical needs, as well as cultural and linguistic needs for those you serve.

3) Identify the role of the program in the Children's Behavioral Health System (continuum of Care) within the program's community, region and/or the state.

**Question 1b.** Provide a brief overview of the Applicant Child Serving Program while incorporating information related to: 1) A brief description of the project as it relates to preservation, restructuring and/or expansion; 2) The specific address/location of the project; 3) The Applicant Organization/program's goals for using Capital Kids funding; 4) Total cost of the proposed project; and 5) The amount of the Capital Kids grant requested.

**Question 1c.** If the Applicant Program were to receive Capital Kids funding, please describe the following: 1) how the population served (as described in 1a) would be impacted, as well as Program services would be impacted, including but not limited to the program's accessibility, the quality of the service delivery/environment or the capacity to meet their population needs. 3) Describe how the program's fiscal viability would be impacted.

#### **5.4.2 Demonstration of Need**

**Question 2a.** Describe the existing space or equipment of the Program which is used to provide services to children. Explain why preservation, restructuring and/or expansion of the existing space or equipment is required. Be as specific as possible and include information about when the Program space was built, when it was last updated, renovated, or otherwise improved (for proposed projects which include request for funding for durable goods, please include the last time that the equipment was updated); and how the most recent updates, renovations, improvements, or purchases were funded.

**Question 2b.** Describe how the project will improve or maintain the program's viability, accessibility, the quality of the service delivery/environment or the capacity to meet the behavioral health needs of the child population the program serves in the region or, if applicable, statewide, on both a short and long term basis

**Question 2c.** What is the risk, including but not limited to fiscal, safety and/or accessibility considerations, involved with not addressing the existing state of the space or equipment of the Program?

#### **5.4.3 Capital Project Development**

**Question 3a.** Provide a detailed description of the proposed preservation, restructuring and/or expansion project that you wish to undertake with the Capital Kids grant. Include an explanation of how the proposed project will address the infrastructure needs that you identified in the Demonstration of Need Section 5.4.2 Question 2a. Include information to demonstrate that the project has been thoroughly considered and developed, and identify the full scope of work that must be undertaken to bring the project to completion. Although Applicants will not be scored on attachments, Applicant may attach a site drawing(s), architectural renderings, and/or photos to support the narrative.

**Question 3b.** Provide a timeline for proposed project. This should include when key project milestones will be achieved and how much funding will be needed at each

stage of project completion. Include timeframe for start of project upon receipt of funding and attainment of milestones. Address the following milestones as applicable: acquisition, securing of other funding, local government unit approvals, construction start and completion timeframes.

**Question 3c.** Identify and describe a detailed plan that will be followed to mitigate the impact of proposed project construction or installation on the Program. If applicable, the plan should address safety, Quality of Care and continuation of services to clients during proposed project to address the capital need.

#### **5.4.4 Project Impact**

**Question 4a.** How will the success of the proposed project be evaluated? Discuss qualitative and/or quantitative measures that will be used to demonstrate improvements in the program's viability, accessibility, the quality of the service delivery/environment or the capacity to meet their population needs once the project is complete.

#### **5.4.5 Program Viability and Sustainability Assessment**

**Question 5a.** Describe how the capital project will impact the fiscal viability of the program.

**Question 5b.** Agency Viability: OMH will use CFR reports for the most recent 3 years to evaluate the fiscal viability of the agency. If there are any extenuating factors (e.g. one-time expenses or revenue), regarding the information reported, describe in detail.

**Question 5c.** Program Viability: OMH will use CFR reports for the most recent 3 years to evaluate the fiscal viability of the program. If there are any extenuating factors (e.g. one-time expenses or revenue), regarding the information reported, describe in detail.

**Question 5d.** Describe current efforts being made to improve the fiscal viability of the program.

### **5.5 Financial Assessment**

**Question 6a.** The Applicant must complete the Capital Budget for the proposed capital preservation, restructuring and/or expansion project in Grants Gateway. **Applicant must upload all supporting documentation for cost estimates.**

#### **Question 6b.**

The Applicant must complete a Budget Narrative (Appendix A1,) which provides detailed explanation and justification for the cost estimates provided in the Capital Budget completed in the Grants Gateway. The Applicant should upload and refer to supporting documentation for the cost estimates, where applicable. The Applicant must include in the narrative the calculation or logic that supports the budgeted value of each itemized entry. Include details in the narrative such as, any purchases that would need to be made, services that would need to be contracted, and permits, approvals or permission that would need to be secured or have already been secured. OMH Bureau of Housing Development and Support and the Division of Integrated Community Services for Children and Families will work with selected providers as projects

progress to refine what is supplied here. If the total cost of the project exceeds the amount of funding being requested, identify which costs the Applicant intends to cover with additional funding and describe how the agency has or will secure(d) additional funding to complete the project. If the Applicant has supporting documentation related to additional funding, it may be attached. Finally, the Applicant must include in the Budget Narrative a description of how the Applicant will undertake and complete the project.