

**NEW YORK STATE MOTOR VEHICLE THEFT AND INSURANCE FRAUD
PREVENTION BOARD**

NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES

**SFY 2013 REQUEST FOR PROPOSALS
MOTOR VEHICLE THEFT AND INSURANCE FRAUD
PREVENTION PROGRAM**

TABLE OF CONTENTS

| SECTION | PAGE |
|---|-------------|
| I. INTRODUCTION | 1 |
| II. PROGRAM GOALS AND OBJECTIVES | 1 |
| III. NEW YORK STATE MOTOR VEHICLE THEFT & INSURANCE FRAUD PREVENTION BOARD | 2 |
| IV. FUNDING GUIDELINES | 2 |
| A. Appropriation | 2 |
| B. Eligible Programs and Program Services | 3 |
| V. APPLICATION PROCEDURE | 5 |
| A. Application | 5 |
| B. Vendor Prequalification Requirements for Not-for-Profit Applicants | 5 |
| C. Timetable of Events | 6 |
| VI. APPROVAL | 6 |
| VII. NOTIFICATION OF AWARD | 12 |
| VIII. ADMINISTRATION OF CONTRACTS | 12 |
| IX. RFP TECHNICAL ASSISTANCE | 14 |
| X. FINAL RFP CHECKLIST | 14 |
| Addendum A | |
| ▪ Reported Number of Motor Vehicle Thefts for 2012 | |
| ▪ Reported Incidence of Suspected Motor Vehicle Insurance Fraud for 2012 | |
| ▪ Weighted Average Number of Incidents of Motor Vehicle Theft and Motor Vehicle Insurance Fraud | |
| Addendum B | |
| ▪ Instructions on How to Register with DCJS Grants Management System (GMS) | |
| ▪ Helpful Hints on Using the DCJS Grants Management System (GMS) | |
| Addendum C | |
| ▪ Contractor Requirements and Procedures for Business Participation Opportunities for NYS Certified Minority and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women | |

MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION PROGRAM

I. INTRODUCTION

This Request For Proposals (RFP) solicits applications for grant funding under the Motor Vehicle Theft and Insurance Fraud Prevention Program (MVT&IF Program). As authorized by and in accordance with Article 36-A (L.1994, c.170) of the Executive Law, approximately \$3.7 million in State funding appropriated in the SFY2013/2014 State budget is available for awards.

In the early-1990s, the Legislature acknowledged a direct relationship between the incidence of motor vehicle theft, motor vehicle insurance fraud and the cost of motor vehicle insurance premium rates. In an effort to reduce the overall cost of motor vehicle insurance in New York State, the Legislature created the Motor Vehicle Theft and Insurance Fraud Prevention Demonstration Program. The U.S. Department of Justice indicates 79,697 incidents of motor vehicle theft occurred in New York State during 1997 and preliminary statistics indicate 17,021 incidents of motor vehicle theft occurred in New York State during 2012. Since issuance of the first MVT&IF Program Request for Proposal in September of 1997, the rate of motor vehicle theft has been reduced by approximately 78.6% in New York State.

The New York State Department of Financial Services' Insurance Frauds Bureau indicates 13,939 reports of suspected incidence of motor vehicle insurance fraud were received during 1997 and 18,677 reports of suspected incidence of motor vehicle insurance fraud were received during 2012 (13,944 of which were with regard to no-fault insurance fraud). Since 1997, the suspected incidence of motor vehicle insurance fraud has increased by approximately 34% in New York State.

As the legislative findings associated with the creation of the MVT&IF Program points out, "Automobile theft and automobile insurance fraud is a major problem in this State costing honest automobile policyholders billions of dollars annually. As the cost of automobile insurance continues to rise, this essential coverage has become less affordable and more out of reach for many New Yorkers." To reduce the overall cost of motor vehicle insurance in this State, actions must be taken to specifically address the incidence of motor vehicle theft and motor vehicle insurance fraud.

The MVT&IF Program supports a variety of initiatives targeting motor vehicle theft and related motor vehicle insurance fraud. The purpose of this RFP is to solicit applications for grant funding in support of projects that contribute to the State's strategic and tactical capabilities to further reduce this criminal activity.

II. PROGRAM GOALS AND OBJECTIVES

The goal of this program is to provide an integrated means to prevent, deter, and reduce the incidence of motor vehicle theft and motor vehicle insurance fraud.

Specific objectives are to:

- Assess the scope of the motor vehicle theft and motor vehicle insurance fraud problem;
- Determine, on a regional basis, the incidence of motor vehicle theft and motor vehicle insurance fraud activities; and,
- Develop and provide funding for programs to measurably reduce the incidence of motor vehicle theft and motor vehicle insurance fraud which may include, but are not limited to:
 - enhanced prosecution and adjudication services, neighborhood or community-based programs designed to reduce motor vehicle theft and motor vehicle insurance fraud including the problems of motor vehicle no-fault medical fraud and uninsured motorists;
 - specialized law enforcement units to combat motor vehicle theft and motor vehicle insurance fraud, such as motor vehicle no-fault medical fraud through undercover sting operations;
 - educational programs on motor vehicle theft and motor vehicle insurance fraud prevention; and,
 - programs designed to examine, evaluate, and make recommendations relating to the efficacy of motor vehicle theft prevention devices.

For more specific guidance on the types of projects that will be supported with grant funds, applicants are encouraged to review the Statewide Plan of Operation for Motor Vehicle Theft and Motor Vehicle Insurance Fraud Prevention, which is located on the DCJS website at: <http://www.criminaljustice.ny.gov/ofpa/mvtifpmain.htm>.

III. NEW YORK STATE MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION BOARD (THE BOARD)

The administration of the program is under the direction of a twelve-member board composed of representatives of consumers of automobile insurance, automobile insurance companies, law enforcement agencies, and the judicial system. “The Board shall develop and recommend to the Commissioner of the New York State Division of Criminal Justice Services (DCJS) a plan of operation. Such plan, when developed, shall provide for a coordinated approach to curtailing motor vehicle theft and motor vehicle insurance fraud throughout the State.”

IV. FUNDING GUIDELINES

A. APPROPRIATION

The SFY 2013/2014 State budget has appropriated approximately \$3.7 million to be made available for awards to sustain the sixteenth year of the Program. The NYS Division of Criminal Justice MVT&IF Program RFP – 2013

availability of these grant funds will be dependent upon fee revenues being available in the Motor Vehicle Theft and Insurance Fraud Prevention Fund (354-01) for this purpose.

Funds provided under this program shall be used to **augment, and not to supplant**, the grantee's current funding of motor vehicle theft and motor vehicle insurance fraud detection, prevention, or reduction activities.

B. ELIGIBLE PROGRAMS AND PROGRAM SERVICES

Available funds may be awarded to either new projects or to projects seeking refunding of existing MVT&IF Program grants. **Refunding is not automatic.** An existing grant may be renewed if sufficient data is presented to demonstrate that it is operating satisfactorily, and a new application is submitted and approved for re-funding. Programs determined to have significant fiscal balances from prior year's awards may be subject to a reduction of their SFY2013 award or no further funding.

Funding is available to localities, governmental agencies representing municipalities of New York State (except State government agencies), and not-for-profit organizations of any character that provide, or will provide, an eligible service. In accordance with the statutory mandate, "localities with the greatest incidence of motor vehicle theft and insurance fraud shall be targeted for the purposes of this Program".

Based on the number of reported motor vehicle thefts and reported incidents of suspected motor vehicle insurance fraud during 2012, the following fourteen counties are eligible to apply for funds to support enforcement, investigation and prosecution programs: Kings, Queens, Bronx, New York, Nassau, Suffolk, Erie, Westchester, Monroe, Richmond, Onondaga, Orange, Albany and Niagara. Each of these fourteen counties had a combined weighted average of at least 100 incidents of motor vehicle theft and incidence of suspected motor vehicle insurance fraud, with fraud incidents weighted twice as much as theft. (See Addendum A for weighted averages for counties ranked in the top 25). Funding for localities within these counties shall be considered based on a demonstrated need.

Activities eligible for funding include, but are not limited to the following: prosecution and adjudication services; law enforcement services; neighborhood or community-based programs designed to reduce the incidence of motor vehicle theft and motor vehicle insurance fraud; educational prevention programs; and programs designed to examine, evaluate and make recommendations relating to the efficacy of motor vehicle theft prevention devices or methods.

Available funding for the SFY2013 RFP is approximately \$3.7 million, representing no change from the previous State Fiscal Year. Reflective of this funding amount, the following guidelines have been established for those projects seeking funding or refunding through this RFP:

- Funds provided under this program shall be used to **augment, and not to supplant**, the grantee's current funding of motor vehicle theft and motor vehicle insurance fraud detection, prevention, or reduction activities.

- Strategies for the interdiction of **motor vehicle insurance fraud will receive priority** over strategies for the interdiction of motor vehicle theft.
- All contracts are for one year of program activity and will begin on January 1, 2014 and end on December 31, 2014. (Note: Contract extensions will not be permitted)
- Project budget requests for agencies applying for refunding may not exceed 110% of the amount of their total SFY2012 award.
- Project budget request for 'New' (not currently grant funded) part-time and/or full-time positions must clearly indicate that the position is 'New'.
- Project budget requests for 'New' and currently supported part-time and/or full-time MVT&IF Program positions must include the following:
 - Title of the position to be funded/refunded
 - Anticipated duties of the position to be funded/refunded
 - Current (time of application) base salary of the position to be funded/refunded
 - Number of hours (per week) the funded position is contractually required to work.
 - Number of hours (per week) the funded position is to be dedicated solely to motor vehicle theft and/or motor vehicle insurance fraud related crimes
- Law enforcement agencies requesting funding for part-time or full-time salaried positions must be under the oversight of fiscal control entities as mandated by State or local law.
- Law enforcement agencies requesting funding for overtime must indicate what (if any) funding is earmarked for activities other than enforcement details (e.g. training, program management, public awareness, etc.)
- Project budget requests for fringe benefits must include a detailed breakdown of each item to be covered (e.g. FICA, pension, medical, dental, vision, etc.).
- Project budget requests for fringe benefits may not exceed the amount (percentage of salary) paid under SFY2012. (Note: Applicants are encouraged to indicate the agency portion to be covered)
- Fringe benefits for overtime and fringe benefits for part-time positions that are less than 50% effort (0.5 FTE) are ineligible for grant funding.
- Project budget requests for equipment purchases must include a vendor quote for associated costs.
- Project budget requests for rental vehicles and/or "bait cars" must include a vendor quote for associated costs.

V. APPLICATION PROCEDURE

A. APPLICATION

Parties interested in submitting an application for 2013 MVT&IF Program grant funding and who have not previously registered to use the DCJS Internet-based automated Grants Management System (GMS) will need to register and receive a username and password. The registration request form can be found at the following address: <http://www.criminaljustice.ny.gov/ofpa/gms.htm>.

In order to complete an application for funding on the GMS system, your agency or organization must register a user who will be responsible for electronically completing and submitting applications, and submitting routine program quarterly reports. In addition, the signing official (e.g., municipal head or CEO) must register with GMS as a Signatory user, and will be required to electronically indicate his/her acceptance of the grant contract (if awarded) on behalf of your agency or organization. GMS will not allow the submission of an application for funds without a registered Signatory User. You may submit the Registration Request form as an e-mail attachment to dcjsfunding@dcjs.ny.gov or call DCJS at (518) 457-9787 for assistance.

After the registration request is received, you will be sent an e-mail acknowledgement. When your request has been processed, you will receive a username, password, instructions and a link to a user manual. Please allow 3-5 business days for your Registration Request to be processed. **Applicants are encouraged to register their agency immediately.**

Applicants are encouraged to begin their on-line application early in order to allow time to obtain assistance with the GMS. A simplified set of instructions for submitting the application using GMS and GMS registration forms are provided in Addendum A. If you experience GMS difficulty, or if you do not have Internet capability, please call (518) 457-9787.

NOTE: All applications must be received by 12 p.m. (noon), Friday, October 25, 2013. Alternative applications will NOT be accepted. Faxes will NOT be accepted. Applications by e-mail will NOT be accepted. Applications received after the due date will not be considered as eligible for review.

B. VENDOR PREQUALIFICATION REQUIREMENTS FOR NOT-FOR-PROFIT APPLICANTS

The State of New York has implemented a new statewide prequalification process designed to facilitate prompt contracting for not-for-profit vendors. Interested vendors are asked to submit commonly requested documents, and answer frequently asked questions once. The application requests organizational information about the vendor's capacity, legal compliance, and integrity. To learn more about prequalification, go to the Grants Reform website (<http://www.grantsreform.ny.gov/Grantees>) where you can preview the questions and required documents.

All not-for-profit vendors are required to prequalify prior to grant application. Vendors are strongly encouraged to begin the process as soon as possible in order to participate in this RFP bid competition.

Following is a summary of the steps that must be undertaken in order for you to prequalify:

- Go to the Grants Reform website (<http://www.grantsreform.ny.gov/Grantees>) and download a copy of the Registration Form. Please review the instructions for submission of this Form. The form must be signed and notarized by an authorized representative of your organization, and must be sent to the Division of Budget as soon as possible in order to gain access to the Grants Gateway to enable prequalification.
- Upon submission of your Registration Form, you will be provided with a User ID allowing you to gain access to the Gateway. From there, please logon to the Gateway System (https://grantsgateway.ny.gov/IntelliGrants_NYSGG/login2.aspx) and begin your Prequalification Application.
- Vendors who already submitted registration materials and received their user credentials can begin to upload documents into the Document Vault and complete their online Prequalification Questionnaire.

As you fill out the Questionnaire, please refer to the Gateway Training Materials and resource links posted on the “grantees” section of the Grants Reform website to help you navigate the questionnaire. If you still have questions, simply contact DCJS’ Office of Program Development and Funding at (518) 457-9787 or post your question to GrantsReform@Budget.ny.gov, and someone will get back to you quickly with a response.

C. TIMETABLE OF EVENTS

Key Events Completion Date

- 1. Applications must be received no later than:** 12:00 p.m. (noon), Friday, October 25, 2013.
- 2. Award Announcement:** On or about December 13, 2013.

VI. APPROVAL

DCJS staff will review each application, assign a numerical rating and provide a summary evaluation to the Board. This evaluation will guide the Commissioner and the Board in their decisions but they are not bound by the recommendation. The Commissioner and the Board may award grants in amounts that vary from the staff evaluation based on the Board’s expert knowledge of the subject matter or specialized knowledge of local programs.

In consultation with the Board, the Commissioner of DCJS will select programs for funding and determine the funding level awarded for each program based on the available funds. Final funding decisions will be made in accordance with the best interests of the State. DCJS and the Board reserve the right to adjust the amount of funding requested in an application based on the scope and reach of the project, the appropriateness of the project budget and any unspent balance of prior year funds. In accordance with the statutory mandate, to the greatest extent possible, allocation of these funds shall take into account the geographic incidence of motor vehicle insurance fraud and motor vehicle theft, whereby localities with the greatest incidence of motor vehicle insurance fraud and motor vehicle theft shall be targeted for the purposes of this program.

Tier 1 Review – Pass / Fail Requirements

Prior to conducting a numerical rating of applications, DCJS staff will first assess whether applications satisfy minimum “pass/fail” criteria for funding consideration. Any application that does not meet each of the following criteria will be immediately disqualified without further review:

- The application is submitted on time. The deadline for applications is **12:00 p.m., (noon), Friday, October 25, 2013.**
- The applicant is an eligible organization as described in Section IV(B);
- The applicant has fulfilled the vendor prequalification requirements described in Section V(B) (not-for-profit applicants only); and
- The application is complete including:
 - responses to RFP questions 1–6, as applicable;
 - a Project Budget (with narrative justification) for requested line items; and
 - a Work Plan (Note: enter “*To Be Determined*”).

Tier 2 Review - Numerical Rating of Proposals

All applications that fulfill Tier 1 evaluation criteria will then be numerically rated based on the **completeness** of the response to each of the following questions. Each question has a maximum number of points that can be achieved. Applicants who are eligible for funding must receive a score of at least 70 on this RFP in order to be considered for an award. The following are program specific questions concerning the development, execution and evaluation of a strategy to reduce the incidence of motor vehicle theft and motor vehicle insurance fraud.

Applications for funding from New York City law enforcement units dedicated exclusively to the investigation of either motor vehicle theft (including larcenies from automobiles) or motor vehicle insurance fraud (including accidents and/or arson) will be evaluated solely on the basis of responses to questions associated with the incidence of and strategies addressing those offenses addressed by the specialized unit applying for funding. These applicants should answer “Not Applicable” or “N/A” to questions pertaining to types of offenses which are outside the scope of the applicant’s crime area of focus (see questions 2a, 2b, 2c, 3a, 3b, 4a, 4b, as applicable). Final scores will be

adjusted based on the applicant's crime area of focus to ensure all applications are rated on a 100-point scale.

Answer the following questions in full:

1. Agency Profile (up to 5 points can be deducted for incomplete information).

Answer the following questions in full:

a. *Briefly* describe your agency including:

- organizational structure and operational units/divisions.
- the overall annual operating budget (agency budget and non-grant funded MVT&IF unit/division budget, when applicable).
- number of employees (full-time and part-time).

b. Does your agency have a specialized MVT&IF unit or other expertise? If so, describe.

c. Have agency personnel attended any specialized motor vehicle theft or motor vehicle insurance fraud related training during 2013? If so, identify the training attended.

2. Incidence of motor vehicle theft and/or motor vehicle insurance fraud in the applicant's jurisdiction. (0 – 30 points)

Allocation of MVT&IF Program funds shall take into account the geographic incidence of motor vehicle theft and motor vehicle insurance fraud, whereby localities with the greatest incidence of motor vehicle theft and motor vehicle insurance fraud shall be targeted for the purposes of this program.

Countywide statistics may be obtained from Addendum A. Agency statistics regarding motor vehicle theft may be obtained from the DCJS website at http://www.criminaljustice.ny.gov/crimnet/ojsa/indexcrimes/county_totals.htm

In a narrative, provide 2012 statistical data that demonstrates the occurrence of motor vehicle theft and/or motor vehicle insurance fraud in your jurisdiction. The following statistics must be included:

- a. number of motor vehicles stolen in the applicant's jurisdiction; (0-10 points)
- b. number of stolen motor vehicles recovered in the applicant's jurisdiction; (0-2 points) and
- c. number and brief description of motor vehicle insurance fraud incidents investigated by the applying agency. (0-18 points)

3. Analyze and describe the problem of motor vehicle theft and/or motor vehicle insurance fraud in the applicant's jurisdiction. (0 – 20 points)

- a. Types of Motor Vehicle Theft investigated within the applicant's jurisdiction. (0-10 points)
- b. Types of Motor Vehicle Insurance Fraud investigated within the applicant's jurisdiction. (0-10 points)

For a description of current types and dimensions of motor vehicle theft and motor vehicle insurance fraud, refer to the 2013 New York Statewide Plan of Operation for Motor Vehicle Theft and the 2013 New York Statewide Plan of Operation for Motor Vehicle Insurance Fraud located on the DCJS website at <http://www.criminaljustice.ny.gov/ofpa/mvtifpmain.htm>.

4. Operational / Program Strategy. (0 – 30 points)

Based upon the analysis of the motor vehicle theft and/or motor vehicle insurance fraud crime problem in the applicant's jurisdiction, **provide a detailed description** of an overall strategy to combat these crimes. The strategy should be responsive to the specific needs of your community and incorporate **an integrated means to prevent, deter and reduce** the incidence of the motor vehicle insurance fraud and motor vehicle theft. The strategy should be based upon the 2013 New York Statewide Plan of Operation for Motor Vehicle Theft and the 2013 New York Statewide Plan of Operation for Motor Vehicle Insurance Fraud which is located on the DCJS website at <http://www.criminaljustice.ny.gov/ofpa/mvtifpmain.htm>.

Strategies for the interdiction of **motor vehicle insurance fraud will receive priority** over strategies for the interdiction of motor vehicle theft.

The detailed description of an overall MVT&IF strategy must:

- a. provide a plan-of-action as to how motor vehicle theft crimes will be addressed with grant funds; (0-7 points)
- b. provide a plan-of-action as to how motor vehicle insurance fraud crimes will be addressed with grant funds; (0-15 points)
- c. include a list of non-grant funded positions to be utilized in this project which will support the overall plan-of-action; (0-2 points)
- d. articulate the nature and extent of internal agency collaboration with regards to motor vehicle theft and/or motor vehicle insurance fraud; (0-2 points)
- e. articulate the nature and extent of inter-agency collaboration (identify relevant outside agencies and how their assistance has enhanced/will enhance the effectiveness of the strategy); (0-2 points)

- f. indicate an anticipated percent of reduction in motor vehicle theft and/or motor vehicle insurance fraud, which the applicant believes can be attained if awarded funding through this grant. (0-2 points)

Attach any tables, graphs or maps that support your description.

5. What funds are needed to support the MVT&IF Program implementation in this grant proposal? (0 – 20 points)

Using the GMS Budget module, provide an overall project budget that supports the proposed MVT&IF program strategy. Budget requests should reflect total projected costs for the 12-month (January 1, 2014 through December 31, 2014) contract period. The detailed project budget lines must be directly related to program implementation and *must include sufficient narrative justification demonstrating how each requested line item is essential to implementing the proposed strategy.*

The project budget must follow the below guidelines:

- Project budget requests for agencies applying for refunding may not exceed 110% of the amount of their total SFY2012 award.
- Project budget request for 'New' (not currently grant funded) part-time and/or full-time positions must clearly indicate that the position is 'New'.
- Project budget requests for 'New' or currently supported part-time and/or full-time MVT&IF Program positions must include the following:
 - Title of the position to be funded/refunded
 - Anticipated duties of the position to be funded/refunded
 - Current (time of application) base salary of the position to be funded/refunded
 - Number of hours (per week) the funded position is contractually required to work.
 - Number of hours (per week) the funded position is to be dedicated solely to motor vehicle theft and/or motor vehicle insurance fraud related crimes
- Law enforcement agencies requesting funding for part-time or full-time salaried positions must be under the oversight of fiscal control entities as mandated by State or local legislation.
- Law enforcement agencies requesting funding for overtime must indicate what (if any) funding is earmarked for activities other than enforcement details (e.g. training, program management, public awareness, etc.)
- Project budget requests for fringe benefits must include a detailed breakdown of each item to be covered (e.g. FICA, pension, medical, dental, vision, etc.).
- Project budget requests for fringe benefits may not exceed the amount (percentage of salary) paid under SFY2012. (Note: Applicants are encouraged to indicate the agency portion to be covered)

- Fringe benefits for overtime and fringe benefits for part-time positions that are less than 50% effort (0.5 FTE) are ineligible for grant funding.
- Project budget requests for equipment purchases must include a vendor quote for associated costs.
- Project budget requests for rental vehicles and/or “bait cars” must include a vendor quote for associated costs.

Note: Funds provided under this program shall be used to **augment, and not to supplant**, the grantee's current funding of motor vehicle theft and motor vehicle insurance fraud detection, prevention, or reduction activities.

Up to 20 points can be deducted for incomplete answers and non-compliance issues regarding prior and/or current MVT&IF Program grants as follows:

Question 6 is to be answered ONLY by those agencies which received SFY2011 or SFY2012 MVT&IF Program grant funding. Since GMS requires a response to each question in order to accept an application, new applicants must enter “Not Applicable” or “N/A” to the following:

- 6. Provide a narrative of motor vehicle theft and/or motor vehicle insurance fraud related activities from January 2013 to the date of application and an assessment of the project’s results as supported by data.** The narrative should provide a clear and concise description of notable investigations/cases and/or program successes. **(up to 8 points can be deducted).**

The submission of program and fiscal documentation is a compliance issue that is rated for MVT&IF Program grant applications. **Up to 12 points can be deducted** for non-compliance issues regarding prior and/or current grants.

GMS Work Plan

In the GMS Workplan module, enter “*To Be Determined*” for your Project Goal, Objective, Task, and Performance Measure. This is necessary in order for GMS to accept your application. Upon successful application and notification of award, DCJS staff will then assist awarded agencies with developing an appropriate program workplan, including project goal, objectives, tasks, and performance measures. Accordingly, there are no points attributed to this component of your application.

M/WBE and EEO Requirements

The New York State Division of Criminal Justice Services (DCJS) recognizes its obligation under New York State Executive Law Article 15-A to promote opportunities for the participation of certified minority-and women-owned business enterprises (M/WBEs), as well as the employment of minority group members and women in the performance of DCJS contracts.

All DCJS grant contracts in excess of \$25,000 require grant recipients to document good faith efforts to provide meaningful participation by M/WBEs as subcontractors or suppliers in the performance of grant contracts, as well as the employment of minority group members and women.

Accordingly, applicants requesting in excess of \$25,000 must submit a M/WBE Equal Employment Opportunity Staffing Plan (DCJS-3300), a Local Assistance M/WBE Subcontractor/Supplier Utilization Proposal Form (DCJS-3301) and a Local Assistance M/WBE NPS Discretionary Budget Determination Worksheet (DCJS-3309) as instructed in RFP Addendum C. (Note: Submit as Word and/or Excel document attachments as warranted.)

DCJS will review the submitted Local Assistance M/WBE Equal Employment Opportunity Staffing Plan, the Local Assistance M/WBE Subcontractor/Supplier Utilization Proposal Form and Local Assistance M/WBE NPS Discretionary Budget Determination Worksheet and advise the applicant of DCJS' acceptance once an award determination is made.

There are no points attributable to this component of the application.

Nothing herein requires DCJS to approve funding for any applicant.

VII. NOTIFICATION OF AWARD

Applicants who are eligible for funding must receive a score of **at least 70** on this RFP to be considered for a grant award. Successful applicants will be advised by DCJS on behalf of the Board, through a letter of notification, that funds will be awarded and a contract will be negotiated. Unsuccessful applicants will also be advised by letter. In the event that DCJS and a successful applicant cannot execute a contract within 90 days of notification of selection of the applicant, DCJS reserves the right to rescind the award and redistribute the grant funds in consultation with the Board.

VIII. ADMINISTRATION OF CONTRACTS

Contract Approval – All contracts are subject to the approval of the Attorney General and the Office of the State Comptroller of the State of New York, and until said approval has been received and indicated thereon, the Contract shall be of no force and effect.

Contract Period – DCJS will enter into contracts for with grantees for a twelve month project period subject to the availability of grant funding. DCJS reserves the right to modify the contract period in the best interests of the State.

Contract Activities – All activities must have prior approval from DCJS and meet guidelines established by the State of New York.

Contract Changes – The contracts resulting from this RFP may be executed or amended at the discretion of DCJS. The Commissioner of the Division of Criminal Justice Services, in consultation with the Board, reserves the right to increase, decrease, terminate, or renegotiate contracts resulting from this RFP.

Records – Grantees will keep books, ledgers, receipts, work records, case logs, consultant agreements and inventory records pertinent to the project and consistent with DCJS contractual provisions and guidelines.

Liability – Nothing in the contract between DCJS and the grantee shall impose liability on the State of New York or DCJS for injury incurred during the performance of approved activities or caused by use of equipment purchased with grant funds.

Payments – Payments will be made pursuant to a schedule specified in the contract between DCJS and the grant award recipients. Funds will not be available until the contract is approved by State control agencies and ‘Executed’.

Reports – Progress reports will be due quarterly pursuant to a schedule specified in the contract between DCJS and the grant award recipient. Pursuant to performance measure deliverables, grant award recipients will provide an annual summary of grant activities to DCJS for submission to the Governor and the Chairperson of the Senate Finance Committee and the Chairperson of the Assembly Ways and Means Committee. (Per New York Executive Article 36-A §846-I (3h))

Any law enforcement jurisdiction involved in the grant must submit crime reports to DCJS monthly, within 30 days following the end of the each month. These monthly reports may be submitted either under the Uniform Crime Reporting System (UCR) or under the Incident-Based Reporting Program (IBR). Quick Reports will not be accepted. More information on IBR is available on the DCJS website at: <http://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/ibr.htm>.

Other Conditions – The MVT&IF Program grantee must ensure that participating agencies receiving MVT&IF Program funds:

- 1) Enroll and fully participate as users of DCJS’ eJusticeNY
- 2) Regularly submit investigative targets, locations, and telephone numbers into SAFETNet for deconfliction purposes.

Review – The grantees’ performance in all areas mentioned above, in addition to the services contracted for, will be monitored periodically by DCJS on behalf of the Board. Monitoring activities will take the form of site visits, records inspections, written and telephone communication, fiscal audits, equipment verification and/or other methods deemed necessary by DCJS to ascertain the quality and quantity of grantee activities.

Disposition of allocations – DCJS, in consultation with the Board, reserves the right to reject applications, deny awards, or defer applications for future consideration based on insufficient information in the applications, lack of accompanying documentation, inappropriateness of project proposed under the intent of the program or an organizational history of unsuccessful projects of a similar nature or a history of non-compliance.

Revocation of funds – Funds awarded to an applicant who does not implement an approved project within 90 days of the award date may be revoked and redistributed at

the discretion of the Commissioner of the Division of Criminal Justice Services, in consultation with the Board.

Mandatory Contract Provisions – Any contracts negotiated as a result of this RFP shall be subject to the provisions of Appendix A and Appendix A-1, which contain the standard clauses for all New York State grant contracts with DCJS. Any contracts negotiated in excess of \$25,000 as a result of this RFP shall be subject to the provisions of Appendix M, which contains the standard M/WBE clauses for all New York State grant contracts with DCJS in excess of \$25,000. Copies of these appendices are available upon request and on the DCJS website at <http://www.criminaljustice.ny.gov/ofpa/forms.htm>.

IX. RFP TECHNICAL ASSISTANCE

DCJS staff will not privately address any questions regarding this RFP except to provide GMS technical assistance. Requests for technical assistance with accessing and using GMS may be directed to the DCJS Office of Program Development and Funding at (518) 457-9787.

Non-GMS questions regarding this RFP will be accepted through 5:00 PM EDT Thursday, October 10, 2013 and must be emailed to dcjsfunding@dcjs.ny.gov. Please reference the “2013 MVT&IF Prevention Program RFP” in the subject line of your email. On Tuesday, October 15, 2013 DCJS will post responses to received questions on our website at <http://www.criminaljustice.ny.gov/ofpa/newrfp.htm> without identifying questioners.

X. FINAL RFP CHECKLIST

ALL REQUESTS FOR FUNDING MUST COMPLY WITH THE GUIDELINES SET FORTH IN THE ATTACHED REQUEST FOR PROPOSALS (RFP).

All applications must be completed using GMS and must include:

- **Contact information.**
- **Answers to Program Specific Questions (1–5 and 6, when applicable).**
- **Complete Project Budget Section.**
- **Complete Work Plan Section. (Note: “To Be Determined”)**
- **A M/WBE Equal Employment Opportunity Staffing Plan (DCJS-3300) as instructed in RFP Addendum C. (Note: Submit as a Word document attachment)**
- **A Local Assistance M/WBE Subcontractor/Supplier Utilization Proposal Form (DCJS-3301) as instructed in RFP Addendum C. (Note: Submit as a Word document attachment)**

- **A Local Assistance M/WBE NPS Discretionary Budget Determination Worksheet (DCJS-3309) as instructed in RFP Addendum C. (Note: Submit as an Excel document attachment)**

In addition, all not-for-profit applicants are required to have fulfilled the vendor prequalification requirements described in Section V(B).

Note: The 2013 New York Statewide Motor Vehicle Theft Plan of Operation and the 2013 New York Statewide Motor Vehicle Fraud Plan of Operation are available on the DCJS web site at: <http://www.criminaljustice.ny.gov/ofpa/mvtifpmain.htm>.

**All applications must be received by
12 p.m. (noon), Friday, October 25, 2013.**

NOTE: Alternative applications will NOT be accepted. Faxes will NOT be accepted. Applications by e-mail will NOT be accepted.

Addendum A

Reported Number of Motor Vehicle Thefts for 2012

| Rank | COUNTY | MV Theft | | Rank | COUNTY | MV Theft |
|------|--------------|----------|--|------|-------------|----------|
| 1 | Queens | 2,715 | | | Tompkins | 40 |
| 2 | Kings | 2,680 | | 33 | Wayne | 39 |
| 3 | Bronx | 1,649 | | 34 | Clinton | 38 |
| 4 | Erie | 1,481 | | 35 | Cattaraugus | 36 |
| 5 | Suffolk | 1,182 | | 36 | Putnam | 33 |
| 6 | Nassau | 1,001 | | 37 | Genesee | 32 |
| 7 | Monroe | 976 | | 38 | Madison | 31 |
| 8 | New York | 834 | | | Washington | 31 |
| 9 | Westchester | 632 | | 40 | Herkimer | 30 |
| 10 | Onondaga | 580 | | | Jefferson* | 30 |
| 11 | Richmond | 312 | | 42 | Franklin | 26 |
| 12 | Albany | 262 | | | Warren | 26 |
| 13 | Orange | 239 | | 44 | Chenango | 25 |
| 14 | Niagara | 226 | | | Orleans | 25 |
| 15 | Oneida | 193 | | | Otsego | 25 |
| 16 | Schenectady | 191 | | 47 | Montgomery | 23 |
| 17 | Dutchess | 146 | | 48 | Cortland | 20 |
| 18 | Broome | 141 | | | Greene | 20 |
| 19 | Rensselaer | 135 | | 50 | Allegany | 19 |
| 20 | Rockland | 127 | | 51 | Delaware | 18 |
| 21 | Oswego | 101 | | 52 | Wyoming | 17 |
| 22 | Chautauqua | 85 | | 53 | Livingston | 15 |
| 23 | Ulster | 78 | | | Tioga | 15 |
| 24 | Saratoga | 55 | | 55 | Essex | 13 |
| 25 | Steuben | 54 | | 56 | Columbia | 12 |
| 26 | Cayuga | 46 | | | Schoharie | 12 |
| | Chemung | 46 | | 58 | Lewis | 11 |
| 28 | Fulton | 44 | | 59 | Seneca | 9 |
| 29 | Ontario | 41 | | | Schuyler | 9 |
| | Sullivan | 41 | | 61 | Hamilton | 4 |
| 31 | St. Lawrence | 40 | | | Yates | 4 |

* Watertown City Police Department (Jefferson County) is excluded due to reporting problems.

As of 08/05/2013, forty (40) law enforcement agencies submitted less than 12 months of UCR motor vehicle theft reporting to DCJS.

Reported Incidence of Suspected Motor Vehicle Insurance Fraud for 2012

| Rank | COUNTY | MV INSURANCE FRAUD | | Rank | COUNTY | MV INSURANCE FRAUD |
|------|-------------|--------------------|--|------|--------------|--------------------|
| 1 | Kings | 5,285 | | | Jefferson | 11 |
| 2 | Queens | 3,096 | | | St. Lawrence | 11 |
| 3 | Bronx | 3,085 | | 34 | Genesee | 10 |
| 4 | New York | 2,308 | | | Warren | 10 |
| 5 | Nassau | 1,507 | | 36 | Cattaraugus | 9 |
| 6 | Suffolk | 689 | | | Oswego | 9 |
| 7 | Westchester | 465 | | | Wayne | 9 |
| 8 | Erie | 376 | | 39 | Chemung | 8 |
| 9 | Richmond | 349 | | | Tompkins | 8 |
| 10 | Monroe | 214 | | 41 | Cortland | 7 |
| 11 | Onondaga | 124 | | | Montgomery | 7 |
| 12 | Orange | 122 | | | Otsego | 7 |
| 13 | Albany | 86 | | | Washington | 7 |
| 14 | Rockland | 84 | | 45 | Clinton | 6 |
| 15 | Dutchess | 70 | | | Franklin | 6 |
| 16 | Niagara | 45 | | | Herkimer | 6 |
| 17 | Oneida | 43 | | 48 | Fulton | 5 |
| 18 | Broome | 38 | | | Madison | 5 |
| | Schenectady | 38 | | 50 | Allegany | 4 |
| 20 | Ulster | 35 | | | Chenango | 4 |
| 21 | Rensselaer | 28 | | | Tioga | 4 |
| 22 | Sullivan | 20 | | | Wyoming | 4 |
| 23 | Saratoga | 19 | | 54 | Columbia | 3 |
| 24 | Putnam | 18 | | | Essex | 3 |
| 25 | Steuben | 16 | | | Livingston | 3 |
| 26 | Greene | 15 | | | Schoharie | 3 |
| 27 | Ontario | 13 | | 58 | Yates | 2 |
| 28 | Cayuga | 12 | | 59 | Hamilton | 1 |
| | Chautauqua | 12 | | | Lewis | 1 |
| 30 | Delaware | 11 | | | Schuyler | 1 |
| | Orleans | 11 | | 62 | Seneca | 0 |

**Weighted Average Number of Incidents of Motor Vehicle Theft & Motor Vehicle Insurance Fraud
for
Counties in the Top 25 in Either Category in 2012**

| Rank | County | Theft | Fraud | Weighted Average* |
|------|-------------|-------|-------|-------------------|
| 1 | Kings | 2,680 | 5,285 | 4,416 |
| 2 | Queens | 2,715 | 3,096 | 2,969 |
| 3 | Bronx | 1,649 | 3,085 | 2,606 |
| 4 | New York | 834 | 2,308 | 1,816 |
| 5 | Nassau | 1,001 | 1,507 | 1,338 |
| 6 | Suffolk | 1,182 | 689 | 853 |
| 7 | Erie | 1,481 | 376 | 744 |
| 8 | Westchester | 632 | 465 | 520 |
| 9 | Monroe | 976 | 214 | 468 |
| 10 | Richmond | 312 | 349 | 336 |
| 11 | Onondaga | 580 | 124 | 276 |
| 12 | Orange | 239 | 122 | 161 |
| 13 | Albany | 262 | 86 | 144 |
| 14 | Niagara | 226 | 45 | 105 |
| 15 | Rockland | 127 | 84 | 98 |
| 16 | Dutchess | 146 | 70 | 95 |
| 17 | Oneida | 193 | 43 | 93 |
| 18 | Schenectady | 191 | 38 | 89 |
| 19 | Broome | 141 | 38 | 72 |
| 20 | Rensselaer | 135 | 28 | 63 |
| 21 | Ulster | 78 | 35 | 49 |
| 22 | Oswego | 101 | 9 | 39 |
| 23 | Chautauqua | 85 | 12 | 36 |
| 24 | Saratoga | 55 | 19 | 31 |
| 25 | Steuben | 54 | 16 | 28 |
| 26 | Sullivan | 41 | 20 | 27 |
| 27 | Putnam | 33 | 18 | 23 |

| Rank | County | Theft |
|------|-------------|-------|
| 1 | Queens | 2,715 |
| 2 | Kings | 2,680 |
| 3 | Bronx | 1,649 |
| 4 | Erie | 1,481 |
| 5 | Suffolk | 1,182 |
| 6 | Nassau | 1,001 |
| 7 | Monroe | 976 |
| 8 | New York | 834 |
| 9 | Westchester | 632 |
| 10 | Onondaga | 580 |
| 11 | Richmond | 312 |
| 12 | Albany | 262 |
| 13 | Orange | 230 |
| 14 | Niagara | 226 |
| 15 | Oneida | 193 |
| 15 | Schenectady | 191 |
| 16 | Dutchess | 146 |
| 17 | Broome | 141 |
| 18 | Rensselaer | 135 |
| 19 | Rockland | 127 |
| 21 | Oswego | 101 |
| 22 | Chautauqua | 85 |
| 23 | Ulster | 78 |
| 24 | Saratoga | 55 |
| 25 | Steuben | 54 |

| Rank | County | Fraud |
|------|-------------|-------|
| 1 | Kings | 5,285 |
| 2 | Queens | 3,096 |
| 3 | Bronx | 3,085 |
| 4 | New York | 2,308 |
| 5 | Nassau | 1,507 |
| 6 | Suffolk | 689 |
| 7 | Westchester | 465 |
| 8 | Erie | 376 |
| 9 | Richmond | 349 |
| 10 | Monroe | 214 |
| 11 | Onondaga | 124 |
| 12 | Orange | 122 |
| 13 | Albany | 86 |
| 14 | Rockland | 84 |
| 15 | Dutchess | 70 |
| 16 | Niagara | 45 |
| 17 | Oneida | 43 |
| 18 | Broome | 38 |
| | Schenectady | 38 |
| 20 | Ulster | 35 |
| 21 | Rensselaer | 28 |
| 22 | Sullivan | 20 |
| 23 | Saratoga | 19 |
| 24 | Putnam | 18 |
| 25 | Steuben | 16 |

* Fraud counts for a relative weight of two and theft for a weight of one. Thus, a county that reported 75 incidents of fraud and 150 thefts would have a weighted average of 100: $(75*2) + (150*1)/3 = 100$.

Addendum B

Instructions on How to Register with DCJS Grants Management System (GMS)

Helpful Hints on Using the DCJS Grants Management System (GMS)

Instructions for Registering with GMS

If, after reading the RFP, you are interested in submitting an application for 2013 MVT&IF Program Grant funding and you have not previously registered to use the DCJS Internet-based automated Grants Management System (GMS), your agency will need to register and receive a username and password. The registration request form can be found at the following address: <http://www.criminaljustice.ny.gov/ofpa/gms.htm>.

In order to complete an application for funding on the GMS system, your agency or organization must register a user who will be responsible for electronically completing and submitting applications, and submitting routine program quarterly reports. In addition, the signing official (e.g., municipal head or CEO) must register with GMS as a Signatory user, and will be required to electronically indicate his/her acceptance of the grant contract (if awarded) on behalf of your agency or organization. GMS will not allow the submission of an application for funds without a registered Signatory User. You may submit the Registration Request form as an e-mail attachment to dcjsfunding@dcjs.ny.gov or call DCJS at (518) 457-9787 for assistance.

After your registration request is received, you will be sent an email acknowledgement. When your request has been processed, you will receive a username, password, instructions and a link to a GMS. Please allow 3-5 business days for your Registration Request to be processed. Applicants are encouraged to register their agency immediately.

All applications must be received by 12 p.m. (noon), Friday, October 25, 2013. Applicants are encouraged to begin their on-line application early in order to allow time to obtain assistance with the GMS. If you experience GMS difficulty, or if you do not have Internet capability, please call (518) 457-9787.

Helpful Hints

First time GMS users should download the GMS User Manual located at:

<http://www.criminaljustice.ny.gov/ofpa/gms.htm>.

Persons familiar with NYS-DCJS GMS can use the following as a simplified guideline.

The following instructions apply **ONLY** to the Motor Vehicle Theft and Insurance Fraud Prevention applications as previously described.

Sign on to GMS.

Go to project grid. Click the "**New**" button at the top of the project grid.

This will take you to a screen that says "Select a Funding Program" in a drop-down box format, find and highlight "**Motor Vehicle Theft and Insurance Fraud Prevention**"

Then click "**Create Project**"

In the newly created project, complete following modules:

> General

Complete the text screens and press save.

> Participants/Contacts

Click on "**Add Participant**" and in the search prompt that appears type in your agency name. This should take you to a list, find your agency, and click in the blue text of your agency name. This will prompt a drop down list that defaults to "Grantee". Click Add.

Click on "**Add Contact**" and in the search prompt that appears type in the last name of the person to be added. This should take you to a list, find the person to be added and click in the blue text of the name. This will prompt a drop down list that defaults to "Primary". Ensure you do this until you have added a **minimum of three contacts: Primary, Signatory and Fiscal.**

Note: If the signatory you try to add is not eSignature registered, you will get an error message and will not be allowed to add that person at that time. You will NOT be able to submit the application without a signatory attached.

> Project Budget

Click "**Create a budget version for your agency (grantee)**".

> Workplan

In the GMS Workplan module, enter "To Be Determined" for your Project Goal, Objective, Task, and Performance Measure. This is necessary in order for GMS to accept your application. Upon successful application and notification of award, DCJS

staff will then assist awarded agencies with developing an appropriate program workplan, including project goal, objectives, tasks, and performance measures. Accordingly, there are no points attributed to this component of your application.

> **Questions**

[Refer to RFP Section VI for program specific questions to be completed using the GMS Questions module.]

Go to the Questions tab and respond to questions #1-5 and #6 (when applicable). Click in the blue text of the question which will take you to an answer box in which you will enter your response for each question. Since GMS will not permit you to submit your application without answering all questions, applicants not required to answer question #6 should simply enter “Not Applicable” or “N/A”.

If submitting responses to questions using a separate attachment, enter “See Attached” in your response to each question and follow the instructions for using the GMS Attachments module provided below. Please be sure to reference each question in your attached responses (Ex. #1, #2, etc.)

> **Attachments**

GMS will accept attachments by clicking on “**Attachment**” (and upload it there). Attachments **cannot** be in the **.XLSX or .DOCX** formats. **Note:** Follow the instructions in the GMS Users Manual for Attachments.

Remember: ***Failure to submit required documents will be considered the same as failure to meet the deadline for application submission. This may result in an award being rescinded for the application being untimely.***

When you have completed all of the above requirements, click the “**Submit**” button.

Addendum C

Contractor Requirements and Procedures for Business Participation Opportunities for NYS Certified Minority and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women.

**CONTRACTOR REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION
OPPORTUNITIES FOR NYS CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS
ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES
FOR MINORITY GROUP MEMBERS AND WOMEN**

NEW YORK STATE LAW

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

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority-and women-owned business enterprises in state procurement contracting versus the number of minority-and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that DCJS establishes goals for maximum feasible participation of New York State Certified minority- and women – owned business enterprises ("MWBE") and the employment of minority groups members and women in the performance of New York State contracts.

Equal Employment Opportunity Requirements

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.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, DCJS hereby establishes an overall goal of 20% for MWBE participation, 14% for Minority-Owned Business Enterprises ("MBE") participation and 6% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). A contractor ("Contractor") on the subject contract ("Contract") must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and Contractor agrees that DCJS may withhold payment pending receipt of the required MWBE documentation. The directory of New York State Certified MWBEs can be viewed at: <http://www.esd.ny.gov/mwbe.html>.

Contractors shall attempt to utilize, in good faith, any MBE or WBE identified within its Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form, 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 DCJS.

For guidance on how DCJS will determine a Contractor's "good faith efforts," refer to 5 NYCRR §142.8. Contractors must document "good faith efforts" to provide meaningful participation by New York State Certified M/WBE subcontractors or suppliers in the performance of this contract. Criteria for demonstrating "good faith efforts" include but are not limited to any of the following and should be maintained by the contractor for audit purposes:

1. A completed, acceptable Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form
2. Copies of relevant plans provided to MWBEs specifying terms and conditions of contract

3. Copies of advertisements for solicitations which should be placed in appropriate general circulation, trade and minority & women oriented publications
4. Written solicitations made to certified MWBEs listed in the directory
5. Documented evidence that the contractor has contacted all MWBE's who have expressed interest

In accordance with 5 NYCRR §142.13, Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and DCJS may withhold payment from the Contractor as liquidated damages and/or provide for other appropriate remedies.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract. By submitting a bid or proposal, a bidder on the Contract ("Bidder") agrees to submit the following documents and information as evidence of compliance. These forms may be found on the DCJS public website at <http://www.criminaljustice.ny.gov/ofpa/forms.htm>.

| Document Type | Planning Document and Instructions | Reporting Document and Instructions |
|-------------------------------------|---|--|
| Staffing Documents | Submit <i>Local Assistance MWBE Equal Employment Opportunity Staffing Plan</i> with application | Submit <i>Local Assistance MWBE Workforce Employment Utilization Report</i> with final claim |
| Subcontractor Utilization Documents | Submit <i>Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form</i> and <i>Local Assistance MWBE NPS Discretionary Budget Determination Worksheet</i> with application | Submit appropriate <i>Detailed Itemization Forms</i> quarterly, with claim |

DCJS will review the submitted Local Assistance MWBE Equal Employment Opportunity Staffing Plan, Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form, and Local Assistance MWBE NPS Discretionary Budget Determination Worksheet and advise the Bidder of DCJS acceptance once an award determination is made.

If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within (7) seven business days of receipt, by submitting a written remedy in response to the notice of deficiency, via mail to DCJS, 80 S. Swan St., Albany, NY 12210 or by facsimile to (518) 457-1186. If the written remedy that is submitted is not timely or is found by DCJS to be inadequate, DCJS shall notify the Bidder and direct the Bidder to submit within (5) five 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.

DCJS may disqualify a Bidder as being non-responsive under the following circumstances:

- a) If a Bidder fails to submit a Local Assistance MWBE Equal Employment Opportunity Staffing Plan;
- b) If a Bidder fails to submit a Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form;
- c) If a Bidder fails to submit a Local Assistance MWBE NPS Discretionary Budget Determination Worksheet;
- d) If a Bidder fails to submit a written remedy to a notice of deficiency; or
- e) If DCJS determines that the Bidder has failed to document good faith efforts.

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.