

New York State Division of Criminal Justice Services

SFY 2014 - 2015 Crimes Against Revenue Program

Request for Proposals

Due Tuesday, December 23, 2014



**ANDREW M. CUOMO
GOVERNOR**

**MICHAEL C. GREEN
EXECUTIVE DEPUTY COMMISSIONER**

Key Dates and Notices

- **The application deadline is 4:00 PM on Tuesday, December 23, 2014.** Applications submitted after the deadline will not be considered for funding.
- Questions regarding this Request for Proposals may be emailed to funding@dcjs.ny.gov until 12:00 PM (noon) on Tuesday, December 9, 2014. Responses to questions will be posted on the DCJS website on Friday, December 12, 2014.
- **Applications must be submitted on-line via the Grants Management System (GMS).** If applicants are not registered to access GMS, it should be a priority to obtain user access. Instructions for obtaining GMS access are included in this Request for Proposals.
- Applicants approved for funding will be advised via a letter of notification on or about Wednesday, December 31, 2014 with an anticipated contract start date of January 1, 2015.

New York State Division of Criminal Justice Services

SFY 2014 - 2015 Crimes Against Revenue Program (CARP)

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I. INTRODUCTION

This Request for Proposals (RFP) is for the Crimes Against Revenue Program (CARP) for the State Fiscal Year (SFY) 2014-2015 and will award approximately \$14.3 million of CARP funds through a competitive process. The goal is to combat financial crimes that wrongfully deprive New York State of tax and fee revenues to which it was otherwise due. Funding provided under this grant program is to be used to generate revenue owed to the State through effective investigation and prosecution efforts (see Attachment A for general types of credited revenue related offenses).

II. ELIGIBILITY, AVAILABLE FUNDS, AND CONTRACT PERIOD

Eligibility

Funding under this grant program is extended to all New York State county district attorney offices.

Available Funds

Approximately \$14.3 million is available for competitive awards to support this program. It is important to note that continued funding for existing grantees is not automatic; current grantees must respond to this Request for Proposal (RFP) to qualify for continued funding.

Contract Period

Grants will be awarded for a period of 12 months with a contract period on or about January 1, 2015 to December 31, 2015. Applicants should ensure that all costs can be encumbered by the contract end date. **Funds awarded under this program shall be used to augment, and not supplant, existing Federal, State, and local funding.**

There is no match requirement for grant awards. Each successful applicant will be required to agree to a standard Work Plan and submit a signed, standardized Memorandum of Understanding (MOU) with the State Department of Taxation and Finance (DTF). Please refer to Addendum 1 for the MOU.

III. SCOPE OF WORK

Competitive Funds for Existing Grantees

All applicants seeking competitive funds must provide a Prosecution Plan that describes the steps the applicant will take to investigate and prosecute crimes against revenue. The Plan should detail ways in which the applicant will prosecute revenue-related crimes, as well as the applicant's ability to effectively generate revenue related to such crimes.

Awards of competitive funds for eligible applicants will be prioritized based on:

- The quality and completeness of the Prosecution Plan;
- Demonstrated need;
- Demonstrated use of dedicated staff;
- All the factors relevant to the current contract including previous performance (i.e. revenue generation) under the grant and compliance with the MOU; and

- Other factors deemed relevant by the Division of Criminal Justice Services (DCJS) and the Department of Taxation and Finance (DTF).

Funds for First-Time Applicants

District attorneys' offices that are not currently CARP participants are eligible to apply for competitive funds to investigate and prosecute crimes against revenue. New applicants will be allowed to budget for costs that include: personnel salaries; fringe benefits (for CARP-funded personnel salaries only); investigation and audit services provided on a consultant basis; equipment; travel; and supplies directly related to prosecuting crimes against revenue.

Awards for newly eligible participants will be determined based on:

- The quality and completeness of the application;
- Identification of potential crimes against revenue within the county;
- Demonstrated need;
- Demonstrated willingness to investigate and prosecute crimes against revenue; and
- Other factors deemed relevant by the Division of Criminal Justice Services and the Department of Taxation and Finance.

It is important to note that continued funding is not guaranteed. **It is anticipated that future CARP RFPs will consider the relative revenue generation potential of each proposal and the return on investment performance against prior year grants as a significant evaluation factors.**

IV. APPLICATION REQUIREMENTS

The following areas are to be addressed in the application. Sections IV (A) and (D) must be addressed by all applicants; Section IV (B) must be addressed by existing CARP participants seeking funding; and Section IV (C) must be addressed by new CARP applicants. Maximum points available for each component of the application for competitive funds are noted parenthetically.

PLEASE NOTE: Applicants must enter NA for those questions you are NOT required to complete for GMS to accept your application.

A. Program Work Plan – ALL APPLICANTS

The Work Plan section of your GMS application is a standardized plan (See Attachment C). This is the "basic" Work Plan that is a fixed feature of all CARP grants.

B. (80 Points) Prosecution Plan - Existing CARP Grantees Only

District attorneys' offices applying for funding must provide a Prosecution Plan which supports the request for funds in this application. The Objectives, Tasks, and Performance Measures for projects to be supported with these funds should reflect the actions to be undertaken as outlined in the applicant's Prosecution Plan.

Within the "Questions" section of GMS, CARP participants must identify the initiatives to be supported with these funds. The Plan may also address proposed investigation and prosecution of non-tax revenue crimes and may include provisions for working with State agencies other than DTF, such as the

Department of Labor and the Workers' Compensation Board.

The Prosecution Plan is to be formatted with double-spaced, single-sided pages, 12-point font and one-inch margins. There is no minimum length required for the Plans, but the maximum shall not exceed ten pages in length. Applicants are encouraged to first prepare their plans using word processing software and, when final, copy and paste their answers into the appropriate fields in GMS. Descriptions of the proposed projects should address the following:

- (1) (20 Points)** Describe the applicant's current efforts to investigate and prosecute crimes against revenue and the effectiveness of those efforts. To the extent possible, responses to this question should include the following:
- a. Types of crimes currently being prosecuted.
 - b. Current CARP statistical data for the 12 months of January to December 2014 (Cayuga, Chautauqua, Madison, Montgomery, Orange, and Steuben Counties should report on the current CARP statistical data for the 3 months of October to December 2014), including to the best of the applicants knowledge, the:
 - i. Number of cases investigated, including:
 - 1. Number of cases referred by DTF pursuant to a prosecutor's request;
 - 2. Number of cases referred in the absence of a prosecutor's request; and
 - 3. Number of cases in which there was no DTF referral.
 - ii. Number of cases prosecuted (i.e., cases in which charges were filed at either the misdemeanor or felony level);
 - iii. Number of cases in which an indictment or Superior Court Information (SCI) charge was filed;
 - iv. Number of cases resulting in criminal convictions (i.e., excluding Adjournments in Contemplation of Dismissal (ACDs) and convictions for violations);
 - v. Number of cases resulting in incarceration; and
 - vi. Amount of ordered and recovered revenue.
 - c. Any additional information reflecting the effectiveness of efforts to investigate or prosecute crimes against revenue. While it is difficult to measure indirect effects, such as increased taxpayer compliance due to deterrence, this section may include efforts to promote deterrence, such as efforts to promote news releases and press coverage regarding criminal prosecutions.

- d. Any grant compliance measures adopted, such as:
 - i. Measures to ensure that staff worked exclusively on CARP matters to the extent indicated by the applicants budgeted Full-time Equivalents (FTEs); and/or
 - ii. Number of periodic meetings with local DTF staff or other measures to help ensure effective communications were occurring with the relevant State agencies.

(2) (30 Points) Describe the proposed project strategy for enhancing the applicant’s capacity to investigate and prosecute revenue-related cases and increase the generation of State revenue. Responses should address the following question and should cross-reference the project Budget and Work Plan as appropriate:

- a. Specifically identify the proposed initiative to be investigated and prosecuted and the particular forms of revenue crime being targeted.¹ Provide, to the extent possible, indications that the conduct is an issue; strategies for investigating that issue; staff or other resources that would be deployed; and projections as to the number of cases, dispositions, sentences, and recoveries.

(3) (30 Points) Describe any proposed measures to ensure the effective performance under the grant; compliance with the terms of the grant and the MOU; and accountability for CARP funds, including:

- a. Identify the percentage of effort that will be used for assistant district attorneys (ADAs) working on CARP matters, as well as the percentage of the award that will be used for investigators/auditors working on CARP matters. Full-time assignment enhances focus, expertise and accountability; therefore higher percentages will result in higher scoring on the application.
- b. Identify any measures (such as recordkeeping, certification, and internal audit) to ensure that full-time budgeted staff work full-time on CARP matters and that staff budgeted to work part-time on CARP matters do so to the extent budgeted.
- c. Identify any measures to ensure regular and full communication between the applicant’s staff and DTF or other relevant agencies, including measures such as the scheduling of regular meetings with local DTF staff.
- d. Discuss the revenue generated by the county from awards granted in prior years. Specifically present how these additional funds will enhance and increase the revenue generation of the county CARP program.

¹ Solely as examples of the kinds of projects that might be included are: individuals who provide home repair services and do not report the resulting income; sales tax violations rampant in a particular industry; purchasers of used cars who under-report the purchase price to DMV and thereby underpay sales tax; or construction enterprises that employ “off-the-book” workers and thereby underpay withholding taxes, unemployment insurance premiums and workers’ compensation premiums.

C. (80 Points) First-Time CARP Applicants

Awards will be made available for counties not currently participating in CARP.

In addition to the basic Work Plan [see IV (A)] District Attorneys' offices applying for first-time funding may provide additional Objectives, Tasks, and Performance Measures for projects to be supported with CARP funds to reflect the actions to be undertaken as outlined in each applicant's Prosecution Plan.

The Prosecution Plan should be written in clear terms and demonstrate a willingness to work with the New York State Department of Taxation and Finance (DTF) with respect to the investigation and prosecution of tax-related cases. The Plan may also address proposed investigation and prosecution of non-tax revenue crimes and may include provisions for working with State agencies other than DTF, such as the Department of Labor and the Workers' Compensation Board.

The Prosecution Plan is to be formatted with double-spaced, single-sided pages, 12-point font and one-inch margins. There is no minimum length required for the Plans, but the maximum shall not exceed ten pages in length. Applicants are encouraged to first prepare their plans using word processing software and copy and, when final, paste their answers into the appropriate fields in GMS. Descriptions of the proposed projects should address the following:

Applications will be reviewed and scored based on the following point distributions:

- (1) (40 Points)** Describe the proposed project strategy for investigating and prosecuting revenue-related cases and to increase the generation of State revenue related to these offenses. Responses should address the following questions and should cross-reference the project Budget and Work Plan as appropriate:
- a. Specifically identify the proposed initiative(s) to investigate and prosecute and identify the targeted revenue crime.² For each initiative, provide, to the extent possible, reasons that the conduct needs to be addressed; strategies for investigating that conduct; staff or other resources that would be deployed; and projections as to the number of cases, dispositions, sentences and recoveries.
 - b. Other than initiatives identified in (a) above and measures identified in (2) below, describe what strategies are planned for this grant, including:
 - i. Efforts that will be undertaken to investigate the identified crimes against revenue.
 - ii. Efforts that will be undertaken to work in concert with the Department of Taxation and Finance to meet the goals of the program.

² Solely as examples of the kinds of projects that might be included are: individuals who provide home repair services and do not report the resulting income; sales tax violations rampant in a particular industry; purchasers of used cars who under-report the purchase price to DMV and thereby underpay sales tax; or construction enterprises that employ "off-the-book" workers and thereby underpay withholding taxes, unemployment insurance premiums and workers' compensation premiums.

- iii. A description of how the funding resources will provide new opportunities to generate State revenue.
- iv. Efforts that will be undertaken to prosecute crimes against revenue.

(2) (40 Points) Describe any proposed measures to ensure the effective performance under the grant; compliance with the terms of the grant and the MOU; and accountability for CARP funds, including:

- a. Identify the percentage of effort that will be used for ADAs working on CARP matters, as well as the percentage of the award that will be used for investigators/auditors working on CARP matters. Full-time assignment enhances focus, expertise and accountability; therefore higher percentages will result in higher scoring on the application.
- b. Identify any measures (such as recordkeeping, certification, and internal audit) to ensure that full-time budgeted staff work full-time on CARP matters and that staff budgeted to work part-time on CARP matters do so to the extent budgeted.
- c. Identify any measures to ensure regular and full communication between the applicant's staff and the staff of DTF or other relevant agencies, including measures such as the scheduling of regular meetings with local DTF staff.

D. (20 Points) Budget – ALL APPLICANTS

The Budget section of your GMS application must have grant funds broken out by appropriate category of expense (*i.e.* Personnel, Fringe Benefits, Consultants). Each applicant should utilize the GMS budget module to submit a budget for the anticipated contract period. Budgets for first time CARP applicants and existing CARP grantees, which **did not** receive a 2014 supplemental CARP award, should reflect total projected costs for a 12-month contract period.

Budgets for current CARP grantees, which **did** receive a supplemental CARP award, should reflect total projected costs to be covered for the proposal for the anticipated 12-month period commencing January 1, 2015 to December 31, 2015, including a prorated funding request for budget expenses covering October 1, 2015 through December 31, 2015, consistent with their approved supplemental CARP award budget. See example below.

Example: County A received a CARP award for \$100,000 covering expenses for January 1, 2014 through December 31, 2014. County A then received a supplemental award of \$80,000 for additional expenses for October 1, 2014 through September 30, 2015.

Assuming the grantee is funded at the same level as both their base award and supplemental award, their budget should total \$120,000 reflecting 100% of their original expenses of \$100,000, plus \$20,000 reflecting 25% of their supplemental expenses for the 2015 contract period.

Eligible costs include: personnel salaries; fringe benefits (for grant-funded salaries only); investigation and audit services provided on a consultant basis; and are directly related to prosecuting crimes against revenue.

- 1) Clearly describe how expenditures contribute to the implementation of the project.
- 2) Include the percent of time for each personnel line in the budget in terms of FTEs or number of hours and rate of pay for part-time employees. Budget scoring will include an assessment of the capacity for projected staff to fulfill the project's scope of work.

In the space provided, or in a separate attachment (**PLEASE NOTE: enter NA if you submit an attachment for GMS to accept your application**), provide a brief narrative justification for each requested budget item demonstrating how the requested item is essential to implement the Prosecution Plan. Every requested personnel item must list the position and the percentage of that position's time that will be supported by this grant.

Ineligible costs include: overtime; capital construction and renovation; governmental indirect costs; and the purchase of firearms or other deadly weapons.

E. Encouraging Use of New York State Businesses in Contract Performance

New York State businesses have substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, applicants for this solicitation are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract resulting from this RFP. Such partnering with New York State businesses may be as subcontractors, suppliers, protégés or other supporting roles.

To assist in demonstrating commitment to the use of New York State businesses in the performance of the contract, all applicants must complete the form provided in RFP Attachment F (Encouraging Use of New York State Businesses in Contract performance) and submit the completed form as an attachment to their GMS application. There are no points attributable to this component of the application

V. APPLICATION PREPARATION AND SUBMISSION

Grant applications should be submitted to the automated DCJS Grants Management System (GMS) **by 4:00 P.M. Tuesday, December 23, 2014**. When accessing the GMS system to complete an application, click Project>New, then "Crimes Against Revenue" as the funding program. (See Attachment D for guidance.)

You must ensure that the signing official for your agency has registered as a Signatory User in the GMS system. The Signatory 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.

Registration Request Forms for both general GMS users and Signatories are available online at <http://criminaljustice.ny.gov/ofpa/gms.htm>. Please allow three to five business days to process your GMS Registration request. Applicants are encouraged to register and begin their online application early in order to allow time to obtain assistance with using GMS. A User Manual and tutorials are available online at the foregoing Internet address. If you experience difficulty using GMS please contact DCJS' Office of Program Development & Funding at (518) 457-8462 or at dcjsfunding@dcjs.ny.gov.

VI. AWARD METHODOLOGY

The Division of Criminal Justice Services will provide oversight of the grant review process. Award amounts for competitive funding will be determined based on demonstrated need and quality and completeness of the application. Applications will be rated using a two-tiered system of review. All applications are subject to review on Tier 1 “pass/fail” criteria and, if qualified, will be advanced for Tier 2 review described below.

All final award decisions will be made by the Executive Deputy Commissioner of the Division of Criminal Justice Services based on staff reviews, ratings, and the recommendations made in accordance with the criteria described below. Nothing herein requires DCJS to approve grant funding for any applicant. DCJS reserves the right to make mathematical corrections to the requested budget.

Tier 1: Qualifying Criteria

Qualifying criteria are conditions that must be met in order for an application to be advanced to Tier 2 of the review process. **Any application that does not meet all of the criteria outlined in this section will be disqualified from further review.** All applications MUST:

1. Be submitted by an eligible applicant;
2. Include all required information described in the applicable parts of Section IV, “Application Requirements”; and
3. Be submitted via the DCJS Grants Management System (GMS), in accordance with Section V, by the stated application deadline.

Tier 2: Application Scoring Process

Applications that meet all of the criteria outlined in Tier 1, “Qualifying Criteria,” will be subject to Tier 2 of the review process and will be rated by designated State agency staff members.

Applications for first-time CARP funding will be reviewed using a rating scale that will result in a total maximum allowable score of 100 points. A score of 70 must be achieved to be considered for funding. Points will be credited as follows:

- Up to 20 points may be awarded for the Budget;
- Up to 80 points may be awarded for the Prosecution Plan is as follows:
 - up to 40 points for Response Requirements under Section IV)(1); and
 - up to 40 points for Response Requirements under Section IV(C) (2).
- No points will be awarded for the basic Work Plan, which is outlined in Section IV.A “Application Requirements.” The basic Work Plan is a standard template developed by DCJS for this grant program and is a required component for all applications.

Applications for funding by current CARP grantees will be reviewed using a rating scale that will result in a total maximum allowable score of 100 points. A score of 70 must be achieved to be considered for funding.

Existing CARP Counties (excluding Cayuga, Chautauqua, Orange, Madison, Montgomery, and Steuben), which demonstrated a historical return on investment of at least 85% (see attachment C) as of the period of January 2011 through December 2013 will receive 4 additional points during application evaluation. Points will be credited as follows:

- Up to 20 points may be awarded for the Budget;
- Up to 80 points may be awarded for the Enhanced Prosecution Plan is as follows:
 - up to 20 points for Response Requirements under Section IV (B)(1);
 - up to 30 points for Response Requirements under Section IV (B)(2); and
 - up to 30 points for Response Requirements under Section IV (B)(3).

Applications will be scored by two State agency staff members and those scores will be averaged to obtain the final score. In the event of a tie score a third reviewer will rate the application(s) and the two closest scores will determine the final average score of the application. Subsequent to staff review, the Executive Deputy Commissioner of the Division of Criminal Justice Services will review each application and the scored evaluations conducted by State agency staff. The Executive Deputy Commissioner will make final decisions regarding the funding of projects and individual award amounts based on the quality of each application, the recommendations of the reviewers, and the criteria set forth in this RFP.

VIII. TIMELINE

Request for Proposal Issued:	Tuesday, December 2, 2014
Deadline for Applications:	4:00 P.M. on Tuesday, December 23, 2014
Award Announcements: on or about	Wednesday, December 31, 2014

IX. RFP QUESTIONS

Due to the competitive component of this grant solicitation, Division of Criminal Justice Services and Department of Taxation and Finance staff will not privately address any questions regarding the RFP except to provide GMS technical assistance. All questions regarding this RFP (except GMS-related questions) will be accepted through 12:00 P.M. (noon) of Tuesday, December 9, 2014 and must be emailed to funding@dcjs.ny.gov. Please reference "SFY 2014 - 2015 CARP RFP" in the subject line of your email. Responses to all questions that are received by the due date and time will be posted on or about Friday, December 12, 2014 on the DCJS website at <http://www.criminaljustice.ny.gov/ofpa/newrfp.htm>.

X. NOTIFICATION OF AWARD

Applicants recommended for funding will be advised by DCJS through a letter of notification. Once a project is approved, contracts will then be negotiated and developed. An applicant whose proposal is not selected for funding will be so notified by letter.

All notification letters will be sent on or about **December 31, 2014**.

XI. ADMINISTRATION OF CONTRACTS

DCJS will negotiate and develop a grant contract with the successful applicant(s) ("grantee"). The grant contract is subject to approval by the NYS Office of the Attorney General and the Office of the State

Comptroller before grant funding may actually be disbursed to reimburse project expenses. In the event that the grantee cannot begin contractual activities within 90 days of contract execution, DCJS reserves the right to rescind the selection and redistribute the grant funds.

Contract Approval

All contracts are subject to the approval of the Attorney General and the 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 a contract with a term of 12 months. 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 the guidelines established by the State of New York and the federal government as applicable.

Contract Changes

Contracts resulting from this RFP may be executed, increased, terminated, renewed, decreased, extended, amended, or renegotiated at the discretion of the Executive Deputy Commissioner of DCJS in light of a grantee's performance, changes in project conditions, or otherwise.

Records

The grantee will keep books, ledgers, receipts, personnel time and effort records, consultant agreements and inventory records pertinent to the project and consistent with DCJS contractual provisions and mandated guidelines. In accordance with the standard contract Appendix A-1 (see "Standard Contract Provisions" below); grantee staff whose salaries are paid in whole or in part from grant funds shall maintain a time recording system that shows the time and effort devoted to the grant project.

Liability

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

Payments

Payments to reimburse project expenses will be made pursuant to a schedule specified in the contract between the State of New York and the grant award recipient. Project expenses will be reimbursed for expenditures incurred during the contract period, and made in compliance with the contract budget and compliance with the project Work Plan.

Reports

The grantee will be required to work with DCJS or its designee to develop a project Work Plan that will become part of their contract and will form the basis of quarterly progress reports. The Work Plan will formalize and detail the applicant's commitment to accomplishing the activities outlined in this application's scope of work as described herein.

The grantee shall submit all reports to DCJS in a format and time frame as specified in the grant contract. Quarterly progress reports shall include a description of the grantee's efforts undertaken during the reporting period and the current status of the project. The quarterly progress reports of the grantee's activities under this contract must be submitted electronically as directed by DCJS. Independent of any reporting schedule, all grantees will be required to inform DCJS of any program issues that are significantly impacting program performance.

Any project funded under this RFP must comply with the requirements established by DCJS. The grantee agrees to submit any other reports considered relevant by DCJS.

Review

The grantee's performance in all areas mentioned above, in addition to the services contracted for, will be monitored periodically by DCJS. Monitoring will take the form of site visits, program file review, written and telephone communication, and any other methods deemed necessary by DCJS to ascertain the quality and quantity of grantee activities.

Disposition Of Allocations

DCJS reserves the right to reject applications, deny awards, or defer applications for future consideration based on insufficient information in the application, lack of accompanying documentation, the inappropriateness of the project proposed, an organizational history of unsuccessful projects of a similar nature, or a history of contract non-compliance.

Revocation Of Funds

Funds awarded to an applicant who does not implement an approved project within 90 days of the contract start date may be revoked and redistributed at the discretion of the Commissioner of the Division of Criminal Justice Services.

Standard Contract Provisions

Any contracts negotiated as a result of this RFP will be subject to the provisions of Appendix A, Appendix A-1, Appendix C, and Appendix M, which contain the standard clauses for all New York State grant contracts with DCJS. Appendices are available on the DCJS website at <http://www.criminaljustice.ny.gov/ofpa/forms.htm>.

Mandatory Contract Provisions

Any contracts negotiated as a result of the CARP Grant Program RFP will be subject to the provisions of Appendix A and Appendix A-1, which contain the Standard Clauses for New York State Contracts with DCJS. Appendices are available on the DCJS website at: <http://criminaljustice.ny.gov/ofpa/forms.htm>.

Final Application Checklist

Applicants must submit their applications electronically through the DCJS Grants Management System (GMS). Before submitting your application, ensure that you have:

- Provided responses to all items outlined in Section IV in the specified format.
- Completed a line item budget in the GMS budget module, including narrative justification for requested items, and submitted your budget request with narrative as separate attachments in the specific format as outlined in Section IV (D).
- Completed the GMS Workplan module as instructed in Section IV (A).
- Completed and attached the Local Assistance MWBE Equality Employment Opportunity Staffing Plan, the Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form, and the Local Assistance MWBE NPS Discretionary Budget Determination Worksheet as instructed in Attachment E.
- Completed and attached the form "Encouraging Use of New York State Businesses in Contract Performance (RFP Attachment F) as outlined in Section IV.

Applications must be received by 4:00 PM on Tuesday, December 23, 2014. Applications received after that date and time will be disqualified, and will not be accepted or reviewed.

ADDENDUM 1
MEMORANDUM OF UNDERSTANDING
BETWEEN
THE NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE AND
THE _____ COUNTY DISTRICT ATTORNEY'S OFFICE

This agreement ("MOU") by and between the **New York State Department of Taxation and Finance** ("DTF") and the _____ **County District Attorney's Office** (the "DA's Office") is to be effective as of the date signed by both parties.

WHEREAS, the State of New York ("State") and DTF share with the District Attorney's Office a strong interest in robust enforcement of the tax laws, effective deterrence so as to increase voluntary compliance with those laws, and the recovery of revenues properly due the State and other units of government; and

WHEREAS, the State has, through its Division of Criminal Justice Services ("DCJS"), offered a contract and grant award to the DA's Office (the "grant") under the Crimes Against Revenue Program ("CARP") for the period from January 1, 2015, to December 31, 2015; and

WHEREAS, the DA's Office has sought to accept that offer and has applied for the grant through the DCJS Grants Management System, and it is a condition of the grant, as set forth in the contract, that the DA's Office enter into this MOU with DTF;

Now, **THEREFORE**, DTF and the DA's Office hereby agree as follows:

I. Purpose and principles

This agreement is intended to set forth roles and responsibilities, as between the parties, with respect to the investigation and prosecution of tax crimes and other fraud that can adversely affect government revenues. The prosecutorial function is the responsibility of the DA's Office, as dictated by the Constitution and laws of this State. The parties to this MOU recognize and acknowledge that the District Attorney's responsibility and discretion to prosecute crimes in _____ County, as derived from the Constitution and laws of this State, remain unaffected by any provision in this MOU, and that DTF cannot require the DA's Office to exercise its prosecutorial discretion in any particular way. However, the DA's Office, by accepting the grant and entering into this MOU, agrees to abide by the terms thereof, and acknowledges and agrees that noncompliance with those terms may result in diminution or denial of grant funds to be provided.

II. Definitions of terms

- A. "Referral" shall mean a request by the Commissioner of DTF, or by an authorized designee on behalf of the Commissioner, that in a particular matter, the DA's Office institute an action or proceeding relating to allegations of violations of the tax laws or tax obligations.
- B. "Prosecutor's Request" shall mean a written request by a prosecutor in the DA's Office that DTF make a Referral to the DA's Office in a particular matter.
- C. "Tax crime" shall mean any crime defined in the Tax Law, and also any crime arising from violation of obligations under the Tax Law.

III. Liaison

Each party will designate a member of its legal staff to serve as the primary liaison with the other party, and will notify the other party as to any changes in its designated liaison.

IV. Prosecutors' requests

- A. The DA's Office shall direct each Prosecutor's Request to the DTF liaison, with a copy to the relevant district office of the Criminal Investigations Division of DTF.
- B. A Prosecutor's Request should include reasons to believe that it would be appropriate for the DA's Office to investigate or prosecute one or more tax crimes, and a representation that such information will in fact be used to investigate at least one potential tax crime for possible prosecution.
- C. Before issuing a grand jury subpoena to DTF, the DA's Office will, unless impracticable, first try to obtain the desired records by Prosecutor's Request, and will allow a reasonable amount of time for DTF to act upon that Prosecutor's Request.
- D. DTF shall make good faith efforts – upon the receipt of sufficient information to reach a determination – to answer a Prosecutor's Request (by making a Referral or a denial of such request) with reasonable promptness.

V. Judicial process

- A. When the DA's Office serves a grand jury subpoena for tax information from DTF, the DA's Office shall include therewith a certification that the subpoena may lawfully require production of the information sought. For example, a subpoena seeking a personal income tax return or portion thereof should include or be accompanied by a certification that in accordance with Tax Law §697(e)(2), the grand jury investigation in question is one under the provisions of Article 22 of the Tax Law, and the materials sought are directly involved in and pertinent to such investigation.
- B. Grand jury subpoenas for tax information from DTF should have return dates far enough in the future so that production of responsive materials will not be unduly burdensome. Unless extraordinary circumstances require otherwise, return dates should allow at least two weeks for production in a routine case and correspondingly longer if the matter is more extensive or complicated.
- C. When the DA's Office intends that a DTF employee actually appear in person to testify in response to a grand jury subpoena, the DA's Office, when serving the subpoena, shall provide separate written notice of that requirement.

VI. Referrals

- A. When DTF intends to refer a matter for investigation or prosecution by the DA's Office, then when feasible and appropriate, DTF will, before making an arrest in that matter:
 - 1. Make a Referral of that matter to the DA's Office at least two weeks prior to arrest; provide relevant tax returns to the DA's Office; and make DTF staff available to meet with the DA's Office to provide further information and assistance. In determining the appropriateness and timing of prior Referral, DTF may consider the simplicity of a matter, any urgency, the preferences of the DA's Office, and

other factors. In more complex matters, DTF will seek to provide Referrals further in advance. In some matters, such as “sweeps” of vendors selling goods subject to sales tax who do not have a certificate of authority, and routine excise tax enforcement (including arrests resulting from retail inspections, vehicle stops and street encounters), there is no presumption that there will be a Referral prior to arrest.

2. Consult with the DA’s Office about how the arrests will be made, including which agency, or agencies jointly, should be responsible for making them. The parties recognize that circumstances can vary from case to case, and the availability of resources can vary from time to time, so there is no general presumption that arrests should be made by any one agency to the exclusion of others. In cases in which DTF ultimately determines that it will make an arrest, it will try to provide advance notice of such arrest to the DA’s Office to the extent feasible and appropriate under the circumstances of the case.
3. In good faith consider any general preferences that have been expressed by the DA’s office as to procedures for Referrals and arrests, and any concerns expressed by the DA’s Office in the particular matter, including concerns as to factual or legal issues and concerns as to time limits under the Criminal Procedure Law.

- B. The DA’s Office will timely communicate any decision to decline prosecution of any case referred by DTF, and upon request by DTF will provide the rationale of such decision so that DTF may explore alternative methods of enforcement. The DA’s Office shall typically inform DTF within three months after a Referral, or earlier, as to whether or not it intends to proceed with the Referral. Proceeding with the Referral means further investigating the facts by if necessary and prosecuting the case if appropriate.

VII. Assistance

- A. The DA’s Office may, either before or after charges are filed in a particular tax matter, make requests for DTF assistance in that matter (including the designation of a DTF lawyer as a Special Assistant District Attorney) to the DTF liaison or to the relevant district office of the Criminal Investigations Division of DTF.
- B. When assistance is requested, DTF will try to make a prompt response as to whether it will provide the requested assistance.

VIII. Dispositions

In tax cases, DTF represents the victim of the crime and should receive the same consideration as other crime victims. Prior to resolving a tax case, the DA’s Office shall confer with DTF and give DTF notice of any proposed resolution. This will help ensure that appropriate restitution is ordered, collected, and directed to the victim, and that there is appropriate consideration of global settlement (that is, of both the defendant’s criminal and civil tax liabilities) and whether there should be additional settlement terms to insure future tax compliance. In addition, DTF shall be considered a “victim” as that term is defined in CPL section 380.50(2). The DA’s Office recognizes that only DTF can settle the defendant’s civil tax liability, and any disposition that purports to resolve the defendant’s total tax liability requires the consent of DTF.

Unless there is a global settlement, the DA’s Office will place language on the record and in any plea agreement specifically stating that the plea and sentence does not resolve the defendant’s total tax liability and DTF may pursue other remedies including, in the case of Sales Tax matters, the suspension and/or revocation any Certificate of Authority.

In tax cases, the District Attorney's offices will endeavor to obtain a plea to a Tax Crime.

IX. Coordination

- A. Regular and open communication between the DA's Office and DTF is an essential component of this agreement.
- B. To maximize a collaborative working relationship between DTF and the DA's Office, the parties will meet monthly or as otherwise agreed to discuss matters of mutual interest including cases referred by DTF to the DA's Office.

X. CARP

- A. The DA's Office will comply with all the conditions of the grant, including the Work Plan.
- B. The District Attorneys will assist DTF to develop and implement an effective enforcement strategy in order to detect, prosecute and deter revenue crimes.
- C. The District Attorneys will undertake appropriate investigations of allegations at the request of DTF.
- D. The District Attorneys will maintain effective coordination and cooperation with DTF in the investigations and prosecution of revenue crimes.
- E. The DA's Office will regularly communicate to DTF as to its efforts to investigate and prosecute tax crimes, and information as requested, to help DTF assess compliance with this MOU and the performance of the DA's Office under the grant.
- F. Performance under the grant will be measured by an assessment of a variety of factors reflecting efforts to investigate and prosecute revenue crimes during the grant period. The recovery of monetary restitution, while an important consideration, is only one factor to be considered.

XI. Public information

- A. The parties recognize the importance of deterring tax crimes, and other frauds against the government, through successful, appropriate and well-publicized prosecutions.
- B. Either party may issue news releases in any matter. The parties recognize that it is ordinarily the best practice for the parties to confer and cooperate as to whether releases should be issued, and by whom, or whether to join in a single release.

XII. Amendment

This MOU may be amended only in writing and by the agreement of both parties hereto. This MOU supersedes any prior MOU between the parties on the same subjects. The MOU shall continue in effect, as amended from time to time, until and unless a party hereto gives the other party written notice that the MOU shall be terminated on a specified date at least thirty days after the date of such notice.

District Attorney
_____ County

Dated: _____, 2015

Thomas H. Mattox
Commissioner
Department of Taxation and Finance

Dated: _____, 2015

CARP Certification

By signing the certification at the bottom of this document, the grantee agrees that CARP funds will be used to supplement³, and not supplant, existing funds and services, and that all personnel supported by this contract will work on CARP activities for the percentage of time that is commensurate with the portion of their salary that is paid by this grant.

Please answer the following questions:

- ✓ How many positions (including full- and part-time positions and consultants) will be supported under this grant (total)? _____
- ✓ How many of these positions were supported under your most recent CARP contract? _____
- ✓ How many of these positions will be used:
 - a) to hire new, additional people (including to fill existing vacancies that are no longer funded in your agency’s budget) _____
 - b) to rehire people who have already been laid off (by the start date of contract) as a result of state, local, or federal budget reductions _____
 - c) to rehire people who are (by the start date of contract) currently scheduled to be laid off on a specific future date as a result of state, local, or federal budget reductions _____
 - d) to continue the same CARP staff currently funded under the last contract _____

"I certify that all funds received under this contract will not be used to supplant state, local or federal funds, but will be used to increase the amounts of such funds that would, in the absence of state funds, be made available for CARP activities. Furthermore, daily time records will be maintained for each individual paid under this contract, documenting the percentage of their time devoted to CARP activities."

X

Date: _____

DISTRICT ATTORNEY

³ What is Supplanting?

General Definition. For a unit of local government to reduce local or federal funds for an activity specifically because state funds are available (or expected to be available) to fund that same activity. State funds must be used to **supplement** existing state, local or federal funds for program activities and may not replace state, local or federal funds that have been appropriated or allocated for the same purpose. In those instances where a question of supplanting arises, the grantee will be required to substantiate that the reduction in non-state resources occurred for reasons other than the receipt or expected receipt of state funds.

As a practical matter, the nonsupplanting requirement means that **all** positions supported under this grant **that were not paid for under the previous CARP contract** must either be **new hires** (on or after the official contract start date); **rehires of people who have already been laid off** prior to the effective date of this contract; or **rehires of people who are (at the start date of the contract) currently scheduled to be laid off on a future date** as a result of state, local, or federal budget cuts.

ATTACHMENT A

ALLOWABLE REVENUE SOURCES FOR CARP DECEMBER 2014

Tax Cases	Non-Tax	Other
Untaxed Cigarettes Sales	Welfare Fraud Medicaid Fraud	Tax Law Fines Asset Forfeiture (Tax Cases Only)
Income Withholding Corporate/Franchise Untaxed Liquor Untaxed Petroleum Tax Preparer Fraud	Unemployment Insurance Fraud Prevailing Wage Workers Comp	STAR Tax Program

NOTES:

- *Sales Tax cases include MV-50 cases.*
- *Tax Preparer Fraud usually means a preparer assisting/aiding in filing false returns with Tax. The preparer may or may not be in cahoots with their client. With these cases, there is a \$5K per return Tax penalty.*
- *Tax Law fines only are eligible CARP credit. No credit is given for criminal fines.*
- *With sales and withholding taxes, it is often recommended to prosecutors that they charge under the Penal Law larceny statutes. The tax law permits this.*

INFORMATION ON REVENUES CREDITED

Revenue reports only reflect revenues collected (not cases still unresolved or being worked on) and the revenues must be received and verified by the NYS Department of Taxation and Finance (DTF).

It is the grantee's responsibility to ensure the revenue reports are correct and reflect local activities. The purpose of supporting CARP is to have funds returned to the state that can be reinvested. Sometimes the revenues go to the local governments or are split between state and local. Some localities think they have "X" amount of fines but don't realize it didn't all get deposited to the state. You can work with DTF to match your records with theirs and ensure all fines are accounted for that come back to the state. DTF will not know where your local fines go to; that will need to be tracked by your offices.

Issued May 2008

Attachment B

Program Work Plan

Project Goal: To facilitate the effective investigation and prosecution of crimes which have an adverse effect on government revenues.

Objective #1: To develop and implement an effective enforcement strategy (“strategic plan”) in collaboration with the State Department of Taxation and Finance (DTF), and other governmental agencies as appropriate, in order to detect, investigate, prosecute and deter revenue crimes.

Task #1 for Objective #1

Identify revenue areas on which to focus in the coming contractual year, including fraudulent conduct by tax professionals and preparers, and personal income tax and sales tax fraud.

Performance Measure #1

Provide a response to any referrals by DTF, including whether the case will be investigated, prosecuted or the reasons for declining to do the same.

Task #2 for Objective #1

Maintain effective coordination and cooperation with DTF and other relevant governmental agencies in the investigation and prosecution of revenue crimes.

Performance Measure #1

Enter into a Memorandum of Understanding (MOU) with DTF, and other agencies if appropriate, to set forth roles and responsibilities as between the parties, with respect to the investigation and prosecution of tax crimes and other fraud that can adversely affect government revenues. Provide information as requested by DTF or other appropriate agencies so that such agencies may report to DCJS as to compliance with MOUs and effective performance under the grant.

Objective #2: To conduct effective investigations of revenue crimes.

Task #1 for Objective #2

Train staff to consider whether cases implicate government revenue interests and when to conduct investigations in connection with DTF, and other governmental agencies as appropriate, to vindicate those interests.

Performance Measure #1

Report on the number of staff assigned to CARP as well as the number of staff who have been trained, including whether such employees have received annual CARP training from DTF or have attended annual CARP conferences conducted by DCJS, DOL, Insurance and NYPTI.

Task #2 for Objective #2

Undertake appropriate investigations of allegations, whether arising from agency referrals or self-generated.

Performance Measure #1

Report on the number and nature of cases investigated.

Objective #3: To conduct effective prosecution of revenue crimes.

Task #1 for Objective #3

Effectively prosecute appropriate crimes against revenue.

Performance Measure #1

Report on the number of persons charged and the nature of the charges.

Performance Measure #2

Report on the cases that resulted in a conviction as well as those that were disposed of without a conviction, articulating the disposition and sentence of each case.

Performance Measure #3

Report on the revenue ordered, and the revenue collected, as a result of the final disposition in each case.

Task #2 for Objective #3

Achieve appropriate civil settlements in lieu of or as part of an overall settlement in a criminal case.

Performance Measure #1

1 Report on total civil recoveries collected as a direct result of revenue crime investigations and/or prosecutions.

Task #3 for Objective #3

Promote public awareness of enforcement efforts so as to foster voluntary compliance.

Performance Measure #1

1 Publicize appropriate and noteworthy prosecutions in an effective manner and in cooperation with other relevant State agencies.

Task #4 for Objective #3

Ensure that all staff funded by CARP work exclusively on program objectives, initiatives and cases. CARP revenues are intended to be used to fund prosecutorial resources which are devoted exclusively to CARP purposes.

Performance Measure #1

File an annual certification with DCJS attesting that all CARP funds were used to fund only full-time equivalents and nonpersonal service expenses in furtherance of CARP objectives.

Objective #4: To promote collaboration with DTF when significant events occur in CARP cases.

Task #1 for Objective #4

Notify DTF (including through prosecutors' requests) when significant events occur in CARP cases, such as arrest, conviction and sentence.

Performance Measure #1

DTF notified (including through prosecutors' requests) when significant events occurred in CARP cases such as arrest, conviction and sentence.

Task #2 for Objective #4

Consult with DTF prior to any agreement as to case disposition, and prior to imposition of sentence, so DTF has an opportunity to **provide input as to appropriate disposition.**

Performance Measure #1

DTF consulted prior to any agreement as to case disposition, and prior to imposition of sentence, so DTF had an opportunity to provide input as to appropriate disposition.

Objective #5: To implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 (MWBE Regulations) by providing meaningful participation by NYS Certified MWBEs, as defined as subcontractors or suppliers.

Task #1 for Objective #5:

Provide equal employment opportunities for minority group members and women (EEO).

Performance Measure #1

Submission of the DCJS LOCAL ASSISTANCE MWBE EQUAL EMPLOYMENT OPPORTUNITY STAFFING PLAN form.

Task #2 for Objective #5

Provide contracting opportunities for NYS certified minorities and women-owned business enterprises (MWBEs).

Performance Measure #1

Expend the established percentages identified on the approved DCJS LOCAL ASSISTANCE MWBE SUBCONTRACTOR/SUPPLIER UTILIZATION PROPOSAL FORM with NYS Certified MBEs, as subcontractors/suppliers. **NOTE: If a grantee's discretionary budget is modified within the contract time period, a revised DCJS LOCAL ASSISTANCE MWBE SUBCONTRACTOR/SUPPLIER UTILIZATION PROPOSAL FORM is required identifying re-assessed MBE participation goals.**

Performance Measure #2

Identify if you are on target to meet your identified MBE goals by the end of the contract period. **NOTE: This performance measure requires a yes or no response, at a minimum.**

Performance Measure #3

Expend the established percentages identified on the approved DCJS LOCAL ASSISTANCE MWBE SUBCONTRACTOR/SUPPLIER UTILIZATION PROPOSAL FORM with NYS Certified WBEs, as subcontractors/suppliers. **NOTE: If a grantee's discretionary budget is modified within the contract time period, a revised DCJS LOCAL ASSISTANCE MWBE SUBCONTRACTOR/SUPPLIER UTILIZATION PROPOSAL FORM is required identifying re-assessed WBE participation goals.**

Performance Measure #4

Identify if you are on target to meet your identified WBE goals by the end of the contract period. **NOTE: This performance measure requires a yes or no response, at a minimum.**

Task #3 for Objective #5

Utilize good faith efforts, pursuant to 5 NYCRR §142.8 to meet the maximum feasible portion of the organization's established MWBE goals in furtherance of New York State Executive Law Article 15-A.

Performance Measure #1

Document, retain, and provide upon request, the good faith efforts identified on the utilization plan to meet the established MWBE goals.

Attachment C

Existing CARP Counties
2011-2013 Return on Investment (ROI) Summary

2011-2013 CARP SUMMARIZATION			
Prosecutor	2011-2013 Cumulative Revenue	2011-2013 Cumulative Award	2011-2013 ROI Rate
Richmond	\$1,162,434	\$300,000	387%
Erie	\$2,482,693	\$1,200,000	207%
Bronx	\$3,875,852	\$2,127,000	182%
Schenectady	\$508,293	\$300,000	169%
Oneida	\$391,550	\$237,600	165%
Kings	\$4,068,522	\$2,829,000	144%
Queens	\$6,496,018	\$4,582,200	142%
Albany	\$882,734	\$675,000	131%
Westchester	\$1,197,806	\$1,014,000	118%
New York	\$20,833,177	\$18,000,000	116%
Suffolk	\$5,325,637	\$5,058,000	105%
Ulster	\$305,749	\$298,500	102%
Rockland	\$1,106,741	\$1,140,000	97%
Monroe	\$563,284	\$618,600	91%
Nassau	\$2,447,713	\$3,216,000	76%
Onondaga	\$172,442	\$300,000	57%
Niagara	\$117,897	\$300,000	39%
Clinton	\$103,775	\$246,000	42%
Broome	\$84,724	\$269,100	31%
Warren	\$23,502	\$210,000	11%
St. Lawrence	\$29,859	\$295,500	10%
Tompkins	\$6,449	\$140,100	5%
SNP*	\$0	\$450,000	0%
Total	\$52,186,851	\$43,806,600	119%

Source: New York State Department of Taxation and Finance

*Special Narcotics Prosecutor

ATTACHMENT D



NYS Division of Criminal Justice Services

Alfred E. Smith Office Building

80 South Swan Street

Albany, NY 12210

Phone: (518) 457-8462

<http://criminaljustice.ny.gov>

Office of Program Development and Funding

GMS USER REGISTRATION

In order to complete grant applications online to DCJS, your agency must register with the GMS system. Do so by submitting this Registration Request form – and the attached IRS W-9 form – via email attachment to dcjsfunding@dcjs.ny.gov. When your request has been processed, you will be sent a username and instructions. Please download the GMS User Manual at <http://www.criminaljustice.ny.gov/ofpa/gms.htm>.

Please allow 3-5 business days for your Registration Request to be processed.

Registrant Information (all fields are required):

Agency:

EIN (Tax ID#):

Registrant:

Title:

Address:

Address2: (if applicable)

City/State:

Zip:

Email:

Phone: (Ex.: (555) 111-1111)

DCJS #s of Current Grants (if applicable):

NOTE: You must also complete IRS form W-9, Request for Taxpayer Identification Number and Certification, in order for your registration to be processed. Faxed signatures are acceptable. Download the form at <http://www.criminaljustice.ny.gov/ofpa/gms.htm>. Fax to (518) 457-1186.

Indicate here that form W-9 has been completed and faxed:



NYS Division of Criminal Justice Services
Alfred E. Smith Office Building
80 South Swan Street
Albany, NY 12210
<http://criminaljustice.ny.gov>

Office of Program Development and Funding

GMS SIGNATORY REGISTRATION

In order to complete grant applications online to DCJS, your agency must register with the GMS system. Do so by submitting this Registration Request form via email attachment to funding@dcjs.ny.gov. When your request has been processed, you will be sent a username and instructions. Please download the GMS User Manual at <http://criminaljustice.ny.gov/ofpa/gms.htm>.

Please allow 3-5 business days for your Registration Request to be processed.

Registrant Information (all fields are required):

Agency:

EIN (Tax ID#):

Authorized Signing Official:

Title:

Address:

Address2: (if applicable)

City/State:

Zip:

Email:

Phone: (Ex.: (555) 111-1111)

Basis for signing authority (E.g., executive officer, authorized by municipal charter)

DCJS #s of Current Grants (if applicable):

NOTE: If your agency has not yet submitted IRS form W-9, Request for Taxpayer Identification Number and Certification, you will be required to do so. Download the form at: <http://criminaljustice.ny.gov/ofpa/gms.htm>.



NYS Division of Criminal Justice Services
Alfred E. Smith Office Building
80 South Swan Street
Albany, NY 12210
<http://criminaljustice.ny.gov>

Office of Program Development and Funding

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 simplified guidelines below.

1. Sign on to GMS.
2. 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 Program Office" in a drop-down box format, Find and highlight "Crimes Against Revenue"
3. Click "**Create Project**"

In the newly created project, complete the following modules:

Project Title

Please use "SFY 2014-15 Crimes Against Revenue Program" as the project title.

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 section 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 section 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 Primary, Signatory and Fiscal contacts**.

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.

Program Specific Questions

For purposes of this RFP, when entering applications into GMS, make sure to answer all required questions.

Budget

You will see a button that says “*Create new Budget Version for (your agency name)*”. Click on this button and enter each budget item. Be sure you choose the correct budget category from the drop-down box. In order for the button to be available on the budget tab, your agency must be listed on the “*Participants*” tab.

Program Work Plan

The Work Plan section of your GMS application is a standardized plan (See Attachment C). Enter the statements that appear as the Goal, Objectives, Tasks and Performance Measures for your project. This is the “basic” Work Plan that is a fixed feature of all CARP grants.

Attachments

The MWBE Utilization and EEO Staffing forms (see Attachment 5) must be attached to your application in GMS. Click on the *Attachment* link on the left frame of the GMS. The *Attachment* grid will then display on the right frame of the screen. Upload the attachments.

If you are unable attach MWBE Utilization and/or EEO Staffing forms in GMS, they may be sent to:

NYS Division of Criminal Justice Services
Office of Program Development and Funding
Alfred E. Smith Office Building
80 South Swan Street
Albany, NY 12210
(518) 457-8404
funding@dcjs.ny.gov

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.

ATTACHMENT E

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, 15% for Minority-Owned Business Enterprises ("MBE") participation and 5% 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 MWBE 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 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 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 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.

ATTACHMENT F

ENCOURAGING USE OF NEW YORK STATE BUSINESSES IN CONTRACT PERFORMANCE

New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, bidders/proposers for this contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles.

Bidders/proposers need to be aware that all authorized users of this contract will be strongly encouraged, to the maximum extent practical and consistent with legal requirements, to use responsible and responsive New York State businesses in purchasing commodities that are of equal quality and functionality and in utilizing services and technology. Furthermore, bidders/proposers are reminded that they must continue to utilize small, minority and women-owned businesses, consistent with current State law.

Utilizing New York State businesses in State contracts will help create more private sector jobs, rebuild New York's infrastructure, and maximize economic activity to the mutual benefit of the contractor and its New York State business partners. New York State businesses will promote the contractor's optimal performance under the contract, thereby fully benefiting the public sector programs that are supported by associated procurements.

Public procurements can drive and improve the State's economic engine through promotion of the use of New York businesses by its contractors. The State therefore expects bidders/proposers to provide maximum assistance to New York businesses in their use of the contract. The potential participation by all kinds of New York businesses will deliver great value to the State and its taxpayers.

Bidders/proposers can demonstrate their commitment to the use of New York State businesses by responding to the question below:

Will New York State Businesses be used in the performance of this contract? ___Yes ___No

If yes, identify New York State businesses that will be used and attach identifying information.

Date