



Request for Applications #18-35231: Artist-In-Residence Program

IMPORTANT NOTICE: A restricted period is currently in effect for this Request for Applications (RFA). Applicants are prohibited from contact related to this RFA with any RIOC employee other than the designated contact(s) as described in this Request for Applications.

APPLICATION DUE DATE AND TIME:

On or before 3:00 p.m. Eastern Daylight Time on October 19, 2018 (Late Applications cannot be accepted)

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I. ABOUT THIS GRANT OPPORTUNITY

The Roosevelt Island Operating Corporation (“RIOC”) seeks to provide a grant to an NYC-based arts 501(c)(3) non-profit with the appropriate experience, qualifications, and capacity to help create and operate an Artist-In-Residence program including enhancement of the artistic and musical community events and exhibits on Roosevelt Island. RIOC seeks to create a cohesive public art program woven into the diverse Roosevelt Island Community.

The grant term will be three (3) years, in the amount of \$38,000 per year.

Note: This grant is not for individual artists and such individuals should not apply at this time.

II. ROOSEVELT ISLAND: AN ISLAND OF ART

RIOC was created by New York State as a public benefit corporation and charged with the duty to develop, operate and manage Roosevelt Island. As part of its mission, RIOC strives to enhance the quality of life of Roosevelt Island residents and the people of New York State, by promoting public facilities, open spaces and commercial facilities on the Island.

In recent years, development on the Island has resulted in the near realization of the master plan. Arts and culture have flourished on the Island through the work of both individual artists working in the community and local non-profits.

RIOC sponsors an annual Fall for Arts Festival, an immersive day combining live mural painting with other arts and cultural activities. As a result, RIOC owns artwork that will be made available to interested buyers at

reasonable prices via online auction. This opportunity builds upon the momentum created by the recent spur in art activities and installations and facilitates the Island's position as a link for art between the nearby Manhattan and Long Island City art communities.

RIOC recognizes the strong presence of public art on Roosevelt Island. Recent installations include:

- FDR Four Freedoms Park – designed by Louis Kahn;
- The Blue Dragon – designed by Ulla and Gustav Kraitz;
- The Good Shepherd Community Center streetscape and plinth installation – currently featuring the work of Michael Poast;
- The Motorgate Gallery – featuring the work of various artists who volunteered time, effort and passion at RIOC's annual Fall for Arts Festival.
- The WPA-commissioned murals, removed from the former Coler-Goldwater Specialty Hospital and Nursing Facility and reinstalled in the Cornell Tech buildings.

Further information about RIOC can be found at <https://rioc.ny.gov/>

III. SCOPE OF SERVICES

The successful applicant (hereafter, "Operator") will be responsible for the following:

1. Creation of a rotating subsidized workspace program.

RIOC is creating a studio* to provide selected artists a free work space. The Operator will provide daily management and oversight of artists working in the studio and will also use its arts experience to cultivate and manage interest in the workspace program. The Operator along with RIOC will develop a Management and Operation Plan for the workspace.

The Management and Operation Plan will provide daily guidance for day-to-day operations. At a minimum, that plan will:

- Outline the necessary marketing objectives to create public awareness of the workspace Residence;
- Recommend guidelines for artist proposals (form, format, timing, and transmission method of proposal submissions, work samples, evaluation criteria, and panel make-up). Guidelines will be subject to RIOC's final approval and will preclude employees, consultants, board members, and funders from submitting proposals;
- Set forth the rules and regulations of the workspace, as amended from time to time;
 - The rules and regulations will address the following:
 - Cleaning the workspace areas, including but not limited to easels, tables, and any other equipment;
 - Proper handling of (limitations on) spray paint, airborne materials, toxic odors;
 - Respecting the privacy and work of other artists that may be using the workspace
 - Sleeping overnight in the workspace;
 - Eating/Drinking and disposal of trash in the workspace / shared kitchenette area;
 - Prohibition on pets, with the exception of service animals;
 - Visitors to the workspace (visitors may be allowed; provided however such visitors are not disruptive of other artists that may be using the workspace);
 - Proper disposal of hazardous materials, including turpentine or other chemicals;
 - Music in the workspace;

* A simple layout of the facility in which the studio will be located is annexed to this RFA as Exhibit 1

- Smoking/vaping in the workspace;
- Storage of personal items in the workspace;
- Security of the workspace (locking doors during and after use), as well as monitoring of the workspace entrance/exits (monitoring will be the responsibility of the Operator), especially during operating hours; and
- Set forth the hours of operation(s) for the workspace;

2. Curation and oversight of the Roosevelt Island annual Fall for Arts Festival.

As described above, RIOC hosts an annual Fall for Arts Festival. The Operator, as RIOC's partner, will be responsible for coordinating with local and off-Island groups to develop programming, including but not limited to art workshops, performances, and activities for children. In addition, the Operator will plan a theme (e.g., 2017's theme of Relentless Rhythm: City in Motion – reflecting the evolution and movement we see around us on a day-to-day basis), and curate volunteer artists to paint murals focusing on the theme.

3. Curation and Oversight of the Motorgate Gallery.

On an annual basis, the Operator will curate pieces (from the stock of art produced by previous Fall for Arts events), and use its expertise in placement, color, lighting and other factors to recommend hanging of the pieces in the Motorgate Gallery. The Operator will also coordinate with RIOC for the promotion of an unveiling.

4. Recruitment of artists willing to donate art to Roosevelt Island and/or perform on Roosevelt Island.

In consultation with RIOC, the Operator will be responsible for promoting Roosevelt Island as an art link between Manhattan and nearby Long Island City, along with the Island's rich arts culture. Promotions will include the attention of local, national, and international visual and performance artists that would like to contribute to the Island of Art.

The Operator will also coordinate exhibitions with artists, promote such exhibitions to the arts community (in coordination with RIOC), and be present for such exhibitions.

The Operator will be required to maintain non-profit status and demonstrate compliance with annual State and Federal reporting requirements for non-profit organizations, including but not limited to the New York Non-Profit Revitalization Act of 2013, and certified as "tax exempt" under Internal Revenue Code (IRC) section 501(c)(3). Please note that organizations will be prohibited from using the grant for any political or lobbying activities.

Subcontractor Management

The Operator is expected to possess the capacity to meet the demands of performing the listed services and RIOC does not expect opportunities for subcontracting. Therefore, subcontracting will only take place with the advance written approval of RIOC. For each proposed subcontractor, the Operator must provide: (a) the cost of the subcontractor's services; and (b) clear justification why the subcontractor's services cannot be provided by the Operator's staff and/or volunteers.

RIOC may grant the Operator permission to utilize subcontracting, subject to RIOC's approval of written subcontract agreements. However, the Operator will be responsible for:

1. Subcontractor oversight – including monitoring and evaluation of the subcontractor(s)
2. Program operations and fiscal management
3. Timely reporting of any data/information required in the Operating Agreement

4. Achieving outcomes stated in the Operating Agreement

Minimum Applicant Requirements

In order to be eligible for RIOC funding, Applicants must:

- a) Be a tax-exempt non-profit organization under 501(c)(3) of the Internal Revenue Service Code
 - i) Comply with the provisions of Article 15-A of the NYS Executive Law to undertake or continue existing Equal Employment Opportunity programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, EEO shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation. *See also Appendix B: Grant and Non-Profit Requirements*
 - ii) Comply with any other applicable laws, including federal, state, or local code or ordinance

Qualifications

The ideal Operator will have at least five (5) years of experience operating, maintaining, and managing a successful, similarly situated enterprise as the workspace or comparable arts-related non-profit operations experience with experience developing recreational and cultural enrichment programming. The Operator must be able to develop and follow a realistic operating budget. In addition, the Operator must have a track record of successful experiences working with racially, ethnically and economically-diverse communities.

Term and Commencement of Services

The Operator will be expected to enter into an operating agreement with RIOC. The terms of the operating agreement will be negotiated with the Operator. The agreement will be for three (3) years. To maintain eligibility for the grant, the Operator must satisfy all quarterly and annual reporting requirements established by RIOC.

Compliance with Initial and Ongoing RIOC Requirements

RIOC requires quarterly updates and an annual report that measure the benefits and impacts of the proposed programs and services offered at the workspace.

Payments to the Operator

Payments to the Operator will be made on a quarterly basis. Upon execution of the operating agreement and commencement of the grant services, RIOC will make an initial disbursement of 25% of the annual award to the Operator.

- Thereafter, the Operator will be required to submit invoices and required reports of expenditures to RIOC on a quarterly basis.

RIOC Finance Department
591 Main Street
Roosevelt Island, NY 10044

A copy of such reports should also be e-mailed to Grants@rioc.ny.gov

- Operators must provide complete and accurate billing invoices in order to receive a payment. Billing invoices submitted to RIOC must contain all information and supporting documentation to RIOC's satisfaction (general guidance will be provided by RIOC upon execution of the operating agreement).

- The Operator will be required to submit the following:
 - Budget report (annually and quarterly)
 - Program report (quarterly)
 - Any other reports required by law (as further outlined in the operating agreement)

IV. SCHEDULE OF DATES

Application Schedule	
Event	Date/Time
Application Publication Date	September 5, 2018
Optional Pre-Application Meeting Date	September 20, 2018
Request for Information (“RFI”) Cutoff Date	October 1, 2018
RFI Answers Posted on RIOCI Website	October 8, 2018
Application Responses Due Date	October 19, 2018
Shortlist Interviews	November 2018 (DATE TBD)
Anticipated Award	December 2018
Anticipated Contract Commencement Date	January 2019

Intent to Apply. Applicants may register their intent to apply by sending an e-mail to Grants@rioc.ny.gov no later than the Request for Information cutoff date, October 1, 2018. Organizations registering their intent to apply will be notified via e-mail when updates/modifications to this Request for Applications are posted on the RIOCI web site. Please ensure that the RFA number is noted in the subject line.

Optional Pre-Application Meeting. An optional pre-application meeting will be held on September 20, 2018 at RIOCI’s main office located at 591 Main Street, Roosevelt Island, NY 10044. The pre-application meeting is provided as a courtesy to prospective Applicants to assist them in becoming familiar with the scope of this project. Attendees acknowledge and agree that only the RFA and any addenda issued may be relied upon by Applicants. Verbal statements made by representatives of RIOCI during the meeting and site visit, or at any other time are for informational purposes only, and are not to be relied upon unless subsequently considered in an official written addendum issued by RIOCI. The purpose of the meeting is strictly to provide an overview of the requested scope, terms, and specific minimum requirements of this RFA to which an Applicant is expected to conform.

While Applicants are not restricted from asking questions during the pre-application meeting, they are strongly encouraged to submit written questions before or after the meeting to the Designated Contact identified in the Application.

RIOC reserves the right to modify this schedule at its discretion. Notification of changes in connection with this RFA will be made available to all interested parties via RIOCI’s website.

V. REQUIRED APPLICATION CONTENTS

Section 1: Basic Applicant Information

1. **NAME:** Full legal name of the Applicant, the City and State in which it was legally incorporated, and a description of any and all subsidiaries and affiliates.
2. **CONTACT INFORMATION:** Name, telephone number, fax number, and e-mail address of the Applicant's principal(s) who should be contacted on all matters involving this application.
3. **ORGANIZATIONAL OVERVIEW:** Description of the Applicant's organization, including the following, as applicable:
 - Mission statement, as well as specific goals and objectives of your organization, and characteristics of any communities targeted for outreach;
 - History and key developments, including recent accomplishments and upcoming milestones;
 - Staff information, including numbers of total paid and full-time staff;
 - Membership information, including number of members;
 - Principal arts and cultural activities and programs, including audience information for each;
 - Whether your organization has previously provided services to RIOC (including grants from RIOC) or any other New York State, local or federal entities. If so, list and describe any and all work performed, including: (a) the date(s) such work was performed, (b) the entity for which such work was performed, (c) the area of expertise for the work performed, and (d) references for such work, including phone numbers and e-mail addresses for the references;
 - Employer Identification Number (EIN);
 - Provide at least three professional references that have worked with the organization (not members of the organization) together with contact information, including phone numbers and e-mail addresses.; and
 - Any other relevant organizational information (not inclusive of résumés, for instructions related to résumés and other appendix material, please see Section 4: Additional Relevant Information, below).

Section 2: Statement of Interest

In 1,000 words or less, describe your organization's interest in this Application, incorporating the following:

- Relevance of your organization's mission and work to affordable workspace;
- A detailed narrative demonstrating the Applicant's understanding of the RFA, especially Section III.
- Existing staff and expertise available for proposed workspace management efforts.
- Detailed information about any proposed subcontractors, including but not limited to a clear description of the function(s) the Applicant proposes that each such subcontractor shall fulfill in the performance of the Operating Agreement and the Applicant's plans to manage such subcontractor(s). *See also, Subcontractor Management in Section III, above*
- The Applicant's proposed approach to operating and managing the Workspace, working with the community and engaging other local and city-wide arts organizations.
- The Applicant's understanding of Roosevelt Island's arts and cultural landscapes, as well as key stakeholders.

Section 3: Experience and Capabilities

In 1,000 words or less, describe your organization's experience with operating affordable artist workspace to date, if any. Provide the following information about each previous relevant project:

- Address, type, and size/configuration per location;
- Annual cost of operation, management experience (your experience managing that location), and maintenance plan per location;
- Financing and funding support from government and non-government sources in the operation of workspaces;
- Description of booking system for workspace;
- Public programs and events offered, and audiences served;
- Related community engagement, planning, market study and/or marketing efforts;
- Relationships and partnerships with community-based arts organizations, including Roosevelt Island based organizations, if any;
- All other comparable experiences regarding artists workspace projects; and
- Any comparable experience with non-workspace projects.

Section 4: Additional Relevant Information

Section 4 is for additional relevant background information, such as the number of managers in the entity, location of all offices, telephone number and e-mail address of the primary staff personnel who are anticipated to provide services to RIOCC, and organizational charts. Section 4 must be limited to 12 pages. Applicant *must* include the curricula vitae and/or résumés of staff that it proposes to assign to this project. The 12 page limit will not apply to CV's or résumés.

Information submitted as appendices to Section 4 to the application should specifically support elements considered in the Selection Criteria (see "Selection Criteria", below). Elaborate brochures, reproduced copies, or printouts of standard manuals or literature may not be substituted for the required application narratives and responses, but may be included as a sample to further exemplify the narrative and response (i.e., responses such as "see Section 4" are not sufficient).

Section 5: Proposed Budget

Please fill out and submit the Proposed Budget, attached to this RFA as Appendix A.

Section 6: Required Forms

The forms and statements described later in Section XII, RFA Forms and Requirements, should be completed, executed, and included in the Application as Section 4.

VI. SELECTION CRITERIA

Application Evaluation Criteria	Maximum Points
<p>1. <u>Completeness and Quality of Overall Response:</u></p> <p>1.1. <u>Quality, detail, and completeness of response and supporting documentation</u></p>	30
<p>2. <u>Applicant Readiness and Experience:</u></p> <p>2.1. Applicant’s understanding and knowledge of affordable artist workspace development and/or operation</p> <p>2.2. Applicant’s understanding of Roosevelt Island’s arts and cultural landscape, key stakeholders and connections with community-based and city-wide arts organizations</p> <p>2.3. All other comparable experience regarding workspace management projects</p> <p>2.4. All other comparable experience regarding non-workspace projects</p>	40
<p>3. <u>Financial Capacity:</u></p> <p>3.1. Applicant’s successful financial management of related projects;</p> <p>3.2. Applicant’s conformance with Appendix A budget instructions and overall favorability of budget.</p>	20
<p>4. <u>Interview/Presentation:</u> RIOC will invite finalists for presentations or conduct an interview of finalists who receive at <u>least 70 points based on average score for the criteria 1 through 3 above.</u> RIOC will then re-evaluate such finalists based on their ability to demonstrate sound knowledge in the areas of expertise.</p>	10
<p><u>Maximum Available Points:</u></p>	100

Applications meeting the guidelines set forth above will be reviewed and evaluated by a committee of three persons designated by RIOC. The committee members will independently review each application based on the criteria listed above. Each reviewer's score for criteria 1, 2, and 3, will be combined to provide an average score. In the event of a tie between two or more Applications, or a point spread of 10 or more points, a fourth reviewer will review and rate the Applications. The final score will be based on the average of the four reviewer scores.

Applications with minor issues (missing information that is not essential to timely review and would not impact review scores) MAY be processed, at the discretion of RIOC, but all issues need to be resolved prior to time of award. An application with unresolved issues at the time award recommendations are made will be determined to be non-responsive and will be disqualified.

Upon completion of interviews/presentations:

1. Each Applicant who scores at least 70 points as described above, will be notified of the date and time of their Interview/Presentation. The Interview/Presentation should further demonstrate the Applicant's

ability to provide the required services. Further information with regard to the format of this stage of the evaluation may be requested at this time.

2. Following the Interview(s)/Presentation(s), staff responsible for review and evaluation of the Applications will finalize the scoring of each finalist interviewed on the criteria listed above. The selection of the successful Applicant/Applicants will be those with the highest combined average score.

VII. INSURANCE REQUIREMENTS

Prior to entering into any contract with RIOC, the Operator shall be required to comply with RIOC's insurance requirements as outlined below.

The Operator shall insure and carry the following insurance, shall require each of its subcontractors to carry the following insurance, and agrees that the following insurance shall survive the expiration or termination of the Contract:

Commercial General Liability Insurance providing both bodily injury including death and property damage insurance in a limit of not less than two million dollars (\$2,000,000.00) combined single limit basis. Such insurance is to be written on an occurrence basis and shall name each of the Indemnitees as an additional insured.

Automobile Liability and Property Damage Insurance in an amount not less than five hundred thousand dollars (\$500,000.00) combined single limit for both bodily injury and property damage;

Professional Liability Insurance is required if the Contractor is providing any type of design work in a limit of not less than two million dollars (\$2,000,000.00) and with tail coverage for two (2) years.

The Contractor shall provide Worker's Compensation Insurance and Employer's General Liability Insurance as required under the Worker's Compensation Law.

Certificates of Insurance for all aforementioned coverages shall be provided to RIOC prior to the commencement of Services under the operating agreement and bear notations evidencing a minimum of 10 day cancellation notice to RIOC. The Contractor's Commercial General Liability Insurance policy shall name RIOC, the New York State Urban Development Corporation d/b/a Empire State Development, the Division of Housing and Community Renewal, the State of New York, the City of New York and any others listed in the operating agreement as additional insureds.

VIII. SUBMISSION OF APPLICATIONS

Applicants are required to follow the guidelines and instructions contained in this Application. In the event it becomes necessary to revise any part of this Application, revisions will be provided by addenda posted on the RIOC website <http://rioc.ny.gov/proposal.htm>

Applicants **MUST** submit:

- a. one (1) original paper application with all required documents signed in ink including any and all forms and attachments. Applications should be indexed, clearly labeling the different items included in Sections 1-4 below; and
- b. one electronic copy (CD) of the complete submission, including any forms and attachments in PDF format. Applicants who submit a CD application but who omit an original paper application will be disqualified.

The cover page of each application should state "Artist-In-Residence Program". The entire application should be contained in a sealed package clearly labeled "Artist-In-Residence Program".

Applicants must provide the information and documents below in the order in which it is requested, and label it with the appropriate section number at the beginning of each section. Information should be typed in single spaced 12 point sans-serif font (e.g. Arial), with standard margins printed on two-sided 8 ½ X 11 inch pages, and bound in a single package. Do not submit oversized or laminated Applications. Applications that do not comply with the stated requirements may be rejected.

Applications are due and **MUST** be received at the location designated below no **later than 3:00 PM Eastern Daylight Time on 10/19/2018**. Applications received after the indicated date and hour may not be considered. It is the sole responsibility of each Applicant to ensure that its application is received before the submission deadline. Applicants shall bear the risk associated with delays in mail, courier services or hand delivery.

Sealed Applications **MUST** be submitted to:

ATTN: Sean Singh, Grant Writer and Budget Analyst
 Sealed Application – **Request for Application # 18-35231** Artist-In-Residence Program
 Roosevelt Island Operating Corporation
 591 Main Street
 Roosevelt Island, NY 10044

RIOC reserves the right, at its discretion, to postpone the date for submission and opening of Applications. Any application submitted prior to notice of such postponement may be withdrawn without prejudice.

Applicants will be notified of any postponements via Addenda posted on RIOC's website and may also be contacted by RIOC's designated contact person(s) of the same.

Responses to any questions submitted in writing, will be posted on the RIOC website as set forth below.

IX. QUESTIONS

All questions, comments, requests for clarification, and other communications regarding this Application **MUST** be submitted in writing to 591 Main Street, New York, NY 10044 postmarked no later than October 1, 2018 or via e-mail to Grants@rioc.ny.gov no later than 5:00 PM Eastern Daylight Time on October 1, 2018.

Answers will be posted no later than October 8, 2018 via RIOC's website at: <http://rioc.ny.gov/216/RFPs-Bids>

In addition, any changes, additions or deletions to this Application will also be posted on RIOC's website, along with the electronic version of this RFA. Applicants should note that any necessary clarification **MUST** be sought by the deadline for questions set forth in Section IV. Schedule of Dates. Applicants are urged to check RIOC's web site frequently (*or register intent to apply as suggested in Section IV, above*) for notices of any clarification of or changes, additions or deletions to the RFA.

The Designated Contact person for this solicitation is:

Sean Singh, Roosevelt Island Operating Corporation, 591 Main Street, New York, NY 10044.

Mr. Singh may be reached by email at: Grants@rioc.ny.gov

OTHER THAN THROUGH THE CONTACT PERSONS IDENTIFIED HEREIN, PROSPECTIVE APPLICANTS SHALL NOT APPROACH RIOC'S EMPLOYEES OR COMMUNICATE WITH RIOC DURING THE RESTRICTED PERIOD OF THIS RFA PROCESS ABOUT ANY MATTERS RELATED TO THIS RFA OR ANY APPLICATIONS SUBMITTED

PURSUANT THERETO.

X. GENERAL PROVISIONS

- 1) The issuance of this RFA and the submission of a response by an Applicant or the acceptance of such a response by RIOC does not obligate RIOC in any manner.
- 2) RIOC reserves the right to:
 - Accept or reject any or all Applications received in response to the RFA;
 - Amend, modify or withdraw the RFA at any time, at RIOC's sole discretion;
 - Make an award under the RFA in whole or in part;
 - Disqualify any Applicant whose conduct and/or application fails to conform to the requirements of the Application;
 - Seek clarifications and revisions of Applications;
 - Use information obtained through site visits, management interviews and the State's investigation of an Applicant's qualifications, experience, ability or financial standing, and any material or information submitted by the Applicant in response to RIOC's request for clarifying information in the course of evaluation and/or selection under the RFA;
 - Prior to the application opening, amend the RFA to correct errors or oversights, or to supply additional information, as it becomes available;
 - Prior to the opening of responses to this RFA, direct Applicants to submit application modifications addressing subsequent Application amendments;
 - Extend the deadline for submission of responses to this Application or otherwise modify the schedule of dates set forth in this RFA;
 - Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective Applicants;
 - Waive any requirements that are not material;
 - Require supplemental statements or information from any responsible party;
 - Negotiate with the successful Applicant within the scope of the RFA in the best interests of RIOC;
 - Conduct contract negotiations with the next responsible Applicant, should RIOC be unsuccessful in negotiating with the selected Applicant;
 - Negotiate potential contract terms with any Applicant;
 - Utilize any and all ideas submitted in the Applications received; and
 - Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of Applicant's application and/or to determine Applicant's compliance with the requirements of the solicitation
- 3) RIOC may exercise the foregoing rights at any time without notice and without liability to any Applicant or any other party for its expenses incurred in preparation of responses hereto or otherwise. All costs associated with responding to this RFA will be at the sole cost and expense of the responding Applicant.
- 4) All information submitted in response to this RFA is subject to the Public Officers Law Article 6, Sections 84-90 ("Freedom of Information Law"), which generally mandates the disclosure of documents in the possession of RIOC upon the request of any person unless the content of the document falls under a

specific exemption. In addition, all responses may be discussed at meetings of the RIOC Board of Directors and Committees meetings, which are subject to the Public Officers Law Article 7, Sections 100-111 ("Open Meetings Law").

Any portion of the application that an applicant believes constitutes proprietary information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the application. If RIOC agrees with the proprietary claim, the designated portion of the application will be withheld from public disclosure. Blanket assertions of proprietary material will not be accepted, and failure to specifically designate proprietary material may be deemed a waiver of any right to confidential handling of such material.

XI. FORM OF AGREEMENT

After the Applicant is selected, RIOC will prepare an operating agreement defining all terms and conditions of the engagement and the Operator's responsibilities.

XII. RFA FORMS AND REQUIREMENTS

Additional requirements for this RFA are listed below in the bulleted list (***please read** the additional information for Submissions 1-9 listed in the corresponding subsection below*).

Forms required to be submitted **MUST** be executed and included with the application in the same order as listed below:

1. State Finance Law Sections 139-j and 139-k forms
 - a. Offerer Disclosure of Prior Non-Responsibility Determinations
 - b. Offerer's Affirmation of Understanding of and Agreement pursuant to State Finance Law 139-j(6)(b)
 - c. Offerer's Certification of Compliance with State Finance Law 139-k(5)
2. Iran Divestment Act Certification
3. Minority- and Women-Owned Business Enterprises and Equal Employment Opportunities Forms
4. New York State Certified Service-Disabled Veteran Owned Business Participation Forms
5. **Certification under State Tax Law Section 5-a (not applicable to this RFA)**
6. Non-collusive Certification Required by Section 139-D of the State Finance Law
7. Appendix A – Budget Application
8. MacBride Fair Employment Principles Stipulation

1. State Finance Law Sections 139-j and 139-k Forms

State Finance Law Sections 139-j and 139-k apply to this RFA. These sections govern: (1) permissible communications between potential Applicants and RIOC or other involved governmental entities with respect to this Application; (2) disclosure in the public procurement process through identification of persons or organizations whose function is to influence procurement contracts, public works agreements and real property transactions; and (3) sanctions for knowing and willful violations of the provisions of these laws. Sanctions may include disqualification from eligibility for an award of any contract pursuant to this RFA. **Sections 139-j and 139-k require that all communications regarding this RFA, from the time of its issuance through final award and execution of any resulting contract (the "Restricted Period"), be conducted only with the designated contact listed in this Section XIV below.**

Applicants **MUST** submit the: (a) "Offerer Disclosure of Prior Non-Responsibility Determinations"; (b) "Offerer's Affirmation of Understanding and Agreement pursuant to State Finance Law § 139- j(3) and § 139-j(6)(b)"; and (c) Offerer's Certification of Compliance with State Finance Law 139-k(5) as part of their submittal.

State Finance Law Sections 139-j and 139-k also require that RIOC staff obtain and report certain information when contacted by Applicants during the Restricted Period. RIOC **MUST** also make a determination of the responsibility of Applicants and make all such information publicly available in accordance with applicable law. If an Applicant is found to have knowingly and willfully violated the State Finance Law provisions, that Applicant and its subsidiaries, related or successor entities will be determined to be a non-responsible Applicant and will not be awarded a contract. In addition, two such findings of non- responsibility within a four-year period can result in being barred from obtaining any New York State governmental procurement contract.

The designated contact person for this solicitation is:

Sean Singh, who may be reached at: Grants@rioc.ny.gov.

The above is not a complete representation of the provisions set forth in State Finance Law Sections 139-j and 139-k. A copy of Section 139-j can be found [here](#) and a copy of Section 139-k can be found [here](#) or by e-mailing the designated contact, Sean Singh at Grants.rioc.ny.gov All Applicants are solely responsible for full compliance with these laws.

2. Iran Divestment Act (Required Form: Iran Divestment Act Certification Form)

By submission of an application, each Applicant and each person signing on behalf of any Applicant certifies, and in the case of a joint application each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each Applicant is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State Finance Law.

The above referenced list is maintained by the Office of General Services. For further information and to view this list please go to: <http://www.ogs.ny.gov/about/regs/ida.asp>

3. Compliance with NYS Executive Law Article 15-A: Participation by Minority Group Members and Women with Respect to State Contracts

See Appendix B: Grant and Non-Profit Requirements

General inquiries or questions relating to the aforementioned policies, MWBE participation, and the goals specified herein may be addressed to Grants@rioc.ny.gov.

4. Participation Opportunities for New York State Certified Service-Disabled Veteran Owned Businesses

See Appendix B: Grant and Non-Profit Requirements

General inquiries or questions relating to the aforementioned policies, SDVOB participation, and the goals specified herein may be addressed to Grants@rioc.ny.gov

5. Certification under State Tax Law Section 5-a

Not applicable to this solicitation. No submission required.

6. Non-collusive Bidding Certification Required by Section 139-D of the State Finance Law

As part of this submission the Applicant **MUST submit a signed and notarized copy of the Non-Collusive Bidding Certification Required by Section 139-D of the State Finance Law.**

7. Budget Application

As part of this submission the Applicant is responsible for a completed and signed Budget Application, available on the RIOC web site as Appendix A.

8. NONDISCRIMINATION IN EMPLOYMENT IN NORTHERN IRELAND: MacBRIDE FAIR EMPLOYMENT PRINCIPLES

In accordance with Chapter 807 of the Laws of 1992 the Applicant, by submission of this application, certifies that if it or any individual or legal entity in which the Applicant holds a 10% or greater ownership interest, or any individual or legal entity that holds a 10% or greater ownership interest in the Applicant has business operations in Northern Ireland, such Applicant, shall take lawful steps in good faith to conduct any

business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles relating to nondiscrimination in employment and freedom of workplace opportunity regarding such operations in Northern Ireland, and shall permit independent monitoring of their compliance with such Principles.

XIII. APPLICATION CHECKLIST

I, _____, a principal of the Applicant _____
 certify that the following information has been submitted as part of the response to this Request for Applications.

As a reminder to the Applicant, all forms contained in the list below can be found annexed to this RFA

Required Submissions

- Submitted all required information with respect to Required Application Contents, including but not limited to Basic Applicant Information, Additional Applicant Information, Fee Application and Required Forms. (Section VI)
- Submitted three (3) physical copies (one containing all original signatures in ink) and one electronic copy on CD of the Application to the listed address (Section VIII)
- Completed and submitted State Finance Law Sections 139-j and 139-k forms (Section XIV.1)
- Completed and submitted Iran Divestment Act Certification (Section XIII.3)
- Completed and submitted M/WBE 100 – M/WBE Participation/Equal Employment Opportunity Statement (See Appendix B.1.a)
- Completed and submitted M/WBE 101 – Staffing Plan (See Appendix B.1.a)
- Completed and submitted Iran Divestment Act Certification (Section XIII.3)
- Completed Non-Collusive Bidding Certification Required by Section 139-D of the State Finance Law (see Section XIV.10)
- Completed and Submitted Appendix A – Budget Application (see Section XIV.11)
- Completed and Submitted MacBride Fair Employment Principles Stipulation (see Section XIV.13)
- Certificate and Articles of Incorporation or other certification by New York State of business/legal status (see Appendix B)
- 501(c)(3) or 501(c)(4) tax exempt certification (see Appendix B)
- Most recently filed IRS 990 Form (see Appendix B)
- CHAR 500 or CHAR 410 (see Appendix B)

Required Submissions

- Current Financial Statement Signed by Treasurer (or comparable position) (see Appendix B)**
- Most recent Audited Statement (as applicable, see Appendix B)**
- Board Profile, including names of board members, a brief profile of each, their employer or affiliation, years on the board, office held and committee participation (see Appendix B)**
- By-laws, or other rules, regulations, guidelines internally adopted as governing the Operator (see Appendix B)**
- Resume or CV for each member of senior leadership (see Appendix B)**
- List of staff required for proposed programming (including titles, job descriptions, salaries, and special licenses/requirements)**
- Non-Profit Capacity, Compliance, and Integrity Questionnaire (see Appendix B), including the signed and notarized certification.**

Signed: _____

Name: _____

Date: _____

APPENDICES

APPENDIX A – Budget Form

Instructions:

- A copy of the Budget Form and Instructions are located at <http://rioc.ny.gov/216/RFPs-Bids> , or may be requested via e-mail to Grants@rioc.ny.gov before the Request for Information Cutoff Date identified in this RFA.

APPENDIX B – Grant and Non-Profit Requirements

1. Grant Requirements:

- a. Compliance with NYS Executive Law Article 15-A: Participation by Minority Group Members and Women with Respect to State Contracts

RIOC is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 (“MWBE Regulations”) for all State contracts as defined therein, with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.

Notwithstanding the foregoing, for purposes of the Grant Agreement any grant funds used by the Operator to pay for personal services, utilities, and self-performed services (i.e. not procured in the open market) will be exempt from the foregoing requirements. For instance, if \$200,000 of funds from RIOC to the Operator is being self-performed by the Operator in the amount of \$150,000, then only \$50,000 needs to be assessed for MWBE goals by RIOC (which may also be adjusted for personal services and utilities).

As part of the Grant Agreement, the Operator will be encouraged to use up to 30% percent NYS-certified minority and/or women based enterprises for non-personal services. In furtherance of this requirement the Operator will also be expected to submit an annual projected operating budget that allows RIOC to determine the total available non-personal services for participation goals. RIOC will work with the Operator to identify goods or services where it would be feasible to use M/WBE contractors or suppliers to meet those goals. Typically, those areas include Supplies & Materials, Contractual Services, and Equipment. For more information on the State’s MWBE program please review <http://www.esd.ny.gov/MWBE.html> or reach out to the Designated Contact for this solicitation.

The Operator shall submit an EEO Workforce Utilization Report, and shall require each of its subcontractors (if any) to submit an EEO Workforce Utilization Report, as mandated by Article 15-A of the Executive Law, on a quarterly basis during the term of the Operating Agreement and Grant Agreement. The form and format of this report shall be supplied by RIOC.

Failure to comply with all of the requirements of the MWBE Regulations may result in a finding of nonresponsiveness, non-responsibility and/or a breach of contract, leading to the withholding of funds or such other actions, liquidated damages pursuant to and/or enforcement proceedings as allowed by the Contract.

Required Forms (annexed to this RFA):

a. To be Submitted with Application

- i. **Form M/WBE 100** – M/WBE Participation/Equal Employment Opportunity Policy Statement
- ii. **Form M/WBE 101** – Staffing Plan

b. To be Submitted After the Grant Has Been Assessed for M/WBE Goals

- i. **Form M/WBE 103** – Utilization Plan (Where M/WBE goals have been established by RIOC above or Applicant/Applicant’s subcontractors(s) is a NYS certified M/WBE
- ii. **Form M/WBE 104** – Waiver Request AND Accompanying Proof of Good Faith Efforts (where Applicant seeks a partial or total waivers from M/WBE goals established by RIOC above)

APPENDIX B – Grant and Non-Profit Requirements

General inquiries or questions relating to the aforementioned policies, MWBE participation, and the goals specified herein may be addressed to Grants@rioc.ny.gov.

- b. Compliance with NYS Executive Law Article 17-B: Participation by Service-Disabled Veterans with Respect to State Contracts

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOB”), thereby further integrating such businesses into New York State’s economy. RIOC recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of RIOC contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Applicants are expected to consider SDVOBs in the fulfillment of the requirements of the Contract.

Notwithstanding the foregoing, for purposes of the Grant Agreement any grant funds used by the Operator to pay for personal services, utilities, and self-performed services (i.e. not procured in the open market) will be exempt from the foregoing requirements. For instance, if \$200,000 of funds from RIOC to the Operator is being self-performed by the Operator in the amount of \$150,000, then only \$50,000 needs to be assessed for SDVOB goals by RIOC (which may also be adjusted for personal services and utilities).

As part of the Grant Agreement, the Operator will be encouraged to use up to 6% percent NYS-certified SDVOB’s for non-personal services. In furtherance of this requirement the Operator will also be expected to submit an annual projected operating budget that allows RIOC to determine the total available non-personal services for participation goals. RIOC will work with the Operator to identify goods or services where it would be feasible to use SDVOB contractors or suppliers to meet those goals. Typically, those areas include Supplies & Materials, Contractual Services, and Equipment. For more information on the State’s SDVOB program please review <https://ogs.ny.gov/Veterans/> or reach out to the Designated Contact for this solicitation.

Failure to comply with all of the requirements of the MWBE Regulations may result in a finding of nonresponsiveness, non-responsibility and/or a breach of contract, leading to the withholding of funds or such other actions, liquidated damages pursuant to and/or enforcement proceedings as allowed by the Contract.

Required Forms (annexed to this RFA):

a. To be Submitted with Application

- i. **None**

b. To be Submitted After the Grant Has Been Assessed for SDVOB Goals

- i. **Form SDVOB 103** – Utilization Plan (Where M/WBE goals have been established by RIOC)
- ii. **Form SDVOB 104** – Waiver Request AND Accompanying Proof of Good Faith Efforts (where Applicant seeks a partial or total waivers from SDVOB goals established by RIOC)

General inquiries or questions relating to the aforementioned policies, MWBE participation, and the goals

APPENDIX B – Grant and Non-Profit Requirements

specified herein may be addressed to Grants@rioc.ny.gov

2. Non-profit Requirements:

Non-Profit Applicants must submit all items listed in the table below, as well as responses to the Capacity, Compliance, and Integrity Questionnaire as part of the application.

DOCUMENTS	RATIONALE
<p>PROVIDE A COPY OF YOUR CERTIFICATE OF INCORPORATION, STATE CHARTER OR EQUIVALENT DOCUMENT, DEPENDING ON YOUR ORGANIZATIONAL STRUCTURE.</p>	<p>Only incorporated entities can application for contracts.</p> <p>The DOS can incorporate an organization within 24 hours with its online expedited service.</p> <p>Acceptable documents include:</p> <ul style="list-style-type: none"> - A Certificate of Incorporation issued by the NY State Dept. of State - A Charter issued by the NY State Education Dept. - A County Certificate of Incorporation and Bylaws for a religious organization - Articles of Incorporation for a foreign corporation, PLUS the certification showing that the organization is registered to do business in NY State. <p>Also, if the organization name has changed since the time of incorporation, you must attach the Certificate of Assumed Name</p>
<p>PROVIDE A COPY OF IRS 501(C) DETERMINATION LETTER.</p>	<p>RIOC requires non-profit Applicants to be either a 501(c)(3) or 501(c)(4).</p>
<p>PROVIDE A COPY OF THE ORGANIZATION’S MOST RECENT IRS FORM 990.</p>	<p>All tax exempt organizations are expected to submit their most recent Form 990 as part of the prequalification application.</p> <p>If you have filed for a first time extension, submit your Form 8868.</p> <p>If you have filed for a second non-automatic extension, provide your e-file receipt or Form 8868 request form, page two.</p> <p>If your organization has requested an exemption, please provide all documentation either requesting or granting the exemption status.</p>

APPENDIX B – Grant and Non-Profit Requirements

PROVIDE THE MOST RECENT AUDITED FINANCIAL STATEMENT, FINANCIAL REVIEW, OR INTERNAL FINANCIALS AND FINDINGS.

In NY, organizations with revenues greater than \$250K must provide an independently audited financial statement.

Organizations with revenues of less than \$250K but greater than \$100K, must provide a financial statement reviewed by a CPA. Organizations with revenues of less than \$100K need only provide a copy of the most recent internal financial report, signed by your treasurer (or comparable position). If your organization does not have an audited financial statement or CPA review for the past fiscal year, then please provide a statement explaining the delay, and submit a copy of the organization's financial report for the past fiscal year.

Certain Exempt Organizations:

Those entities exempted by Executive Law § 172-a from submitting financial disclosure materials to the Attorney General's Charities Bureau (such as religious organizations involved in exclusively non-secular activities) should, regardless of their annual revenue, provide their most recent internal financial report reviewed by the board. This is the same financial disclosure requirement that applies to organizations with revenues of less than \$100,000.

PROVIDE A COPY OF THE CHAR 500 OR CHAR 410.

All non-profit organizations must file either a CHAR 410 (for newly formed entities within the first year of operations) or a recent CHAR 500 with the NY State Charities Bureau. Please provide your most recent report.

If you have filed for a filing extension, please provide the email filing receipt.

If you have requested an exemption from filing the CHAR 500, please provide all documentation pertaining to your request.

PROVIDE A COPY YOUR BOARD PROFILE INCLUDING THE NAMES OF YOUR BOARD MEMBERS, A BRIEF PROFILE OF EACH ONE, STATING THEIR EMPLOYER OR AFFILIATION, YEARS ON THE BOARD, OFFICE HELD AND COMMITTEE PARTICIPATION.

Under N-PCL, a not-for-profit organization, upon formation, must name a minimum of 3 individuals to serve as its initial board members. Ideally, 5-15 individuals should be identified to serve on the organization's board of directors.

Please provide a profile of each Board member including the information requested.

Full resumes are not required.

APPENDIX B – Grant and Non-Profit Requirements

PROVIDE SENIOR LEADERSHIP RESUMES OR CVs. ORGANIZATIONS MUST PROVIDE COPIES (SUBMITTED TOGETHER IN A SINGLE PDF) OF ALL OF THE SENIOR OR KEY EMPLOYEES IN THE ORGANIZATION. THESE INDIVIDUALS MIGHT INCLUDE THE EXECUTIVE DIRECTOR, THE FINANCIAL OFFICER, AND THE TOP PROGRAM DIRECTOR.

It is important that our not-for-profit partners are led by effective managers with the skills to deliver the services for which they are seeking a RIOC grant, to competently manage a staff, and to efficiently administer government grants.

PROVIDE A COPY OF YOUR CORPORATE BYLAWS, ADOPTED BY YOUR ORGANIZATION'S BOARD OF DIRECTORS.

Please provide resumes or CVs of all key employees who manage the day-to-day operations of the organization. These employees may include such people as the Executive Director (or CEO), the Financial Director (or CFO), the Assistant Executive Director (or COO), and/or lead Program Manager.

Corporate bylaws are essential to organizational good governance. Bylaws lay out the basic rules of the board structure, operational management, mission and the direction of the agency.

Non-Profit Capacity, Compliance, and Integrity Questionnaire

NOTE: Relevant background and guidance with respect to the Capacity and Compliance questions below immediately follows the questions. **Please read that guidance thoroughly as you respond to the questions.**

A. Organizational Capacity

Applicant must demonstrate that it has the organizational capacity to effectively operate a non-profit organization, undertake contracts and deliver services in a cost effective manner. RIOC wants to know how your organization manages its workforce and operations, whether it has the basic capacity to carry out its mission, and whether it maintains a supportive work climate.

Capacity Questions

- 1. Does your organization have a system in place whereby someone within the organization is authorized to receive money, and someone else is authorized to disburse money?**
- 2. Does the organization have an automated payroll system?**
- 3. Does your organization use an electronic financial management system?**
- 4. Does the senior staff team meet on a regular and consistent basis?**
- 5. Does your organization conduct regular annual performance evaluations for staff?**
- 6. Is staff required to participate in training annually?**

APPENDIX B – Grant and Non-Profit Requirements

Capacity Questions

- 7. Identify the Information technology and telecommunications systems utilized by your organization. (Telephone, internet, email account, mobile device, facsimile).**

B. Legal and Regulatory Compliance

The applicant must be able to present evidence that it has the appropriate legal structure in place to transact business in the State of New York. It must also demonstrate that it has all necessary licenses, certifications, accreditations, registrations and other documents verifying its ability to perform its primary services for which it may be seeking a grant.

Not-for-profits are required to provide various documents pertaining to its corporate structure or financial and charitable status. The documents requested are essential elements for any sound business, and are typically provided by any entity if it wishes to do business in and with the State of NY. Therefore, it is important that a not-for-profit organization demonstrate that it has the essential building blocks in place before applying for a RIOC grant.

Questions pertaining to leadership and governance refer to the system of management and control exercised in the stewardship of the not-for-profit organization. The corporate charters and bylaws are necessary because they document the rights and responsibilities of each party and describe how the organization will be directed and controlled to ensure accountability to its stakeholders and transparency of operations. Matters of governance pertain to organizational policies and procedures, succession planning, financial auditing, risk management practices, executive compensation practices, staff development, and operational monitoring.

Compliance Questions

- 1. Did a quorum of the board of directors meet regularly throughout the year in conformance with the organization's bylaws?**

- 2. Does the board of directors take and maintain minutes of all of its regular meetings, in compliance with its bylaws? (There is no need to provide board minutes; simply state whether minutes are taken and logged.)**

- 3. Is the frequency with which the board meets throughout the year consistent with your organization's bylaws?**

- 4. Did the board committees meet regularly throughout the year in conformance with the organization's bylaws? If the bylaws do not describe the board committee structure, please describe the number of times each committee met during the past year.**

APPENDIX B – Grant and Non-Profit Requirements

Compliance Questions

5. Indicate all of the items the board of directors reviews and/or approves (annual operating budget, executive performance and compensation, fundraising plan, internal controls, fiscal controls, annual audit, Form 990, performance outcomes, other).

Items Reviewed by Board of Directors	
	1. Annual Operating Budget
	2. Executive Performance and Compensation
	3. Fundraising Plan
	4. Internal Controls
	5. Fiscal Controls
	6. Annual Audit
	7. Form 990
	8. Performance Outcomes
	9. Other

6. Does your board review financial statements on a regular and consistent basis? How frequently does the board or board committee review financial statements?

7. Does the organization reconcile bank statements on a monthly basis? If not, how often are bank statements reconciled?

8. State whether the organization has implemented internal fiscal controls (e.g. by separating fiscal functions).

9. Identify those individuals with contract signature authority.

10. Identify those individuals with check writing authority.

11. Please provide all licenses, accreditations, and permits required for your business with any other documents requested in Section 2.1

APPENDIX B – Grant and Non-Profit Requirements

Compliance Questions

12. Does your senior management team regularly view your organization’s overall performance data? If not, please describe the organization’s practice regarding performance data review.

13. Which of the following policies and procedures does your organization have in place?*

*Please see Explanation for Compliance Questions item 13 below for relevant guidance on policies 1 – 7 in bold below.

Policy List	
	1. Anti-nepotism policy
	2. Staff code of conduct
	3. Board of Directors Conflict of Interest Policy
	4. Conflict of Interest Policy
	5. Diversity Policy
	6. Fiscal/Internal Controls Policy
	7. Supervision and Performance Evaluation Policy
	8. Document Retention Policy
	9. Continuity of Operations Plan
	10. Emergency Preparedness Policy
	11. Whistleblower Policy
	12. Security Policy
	13. Succession/Transition Plan
	14. Personnel Recruitment/Screening/Hiring Policy
	15. Personnel Retention and Retention Plan
	16. None of the Above

14. Does your organization have a written and posted Equal Employment Opportunity (EEO) policy?

15. Please provide your Certificate of Assumed Name or DBA, if applicable, or indicate below if inapplicable.

16. Does your organization have an M/WBE policy regarding any work it conducts with outside providers, sub- contractors, consultants, vendors or partners?

APPENDIX B – Grant and Non-Profit Requirements

C. Integrity

The questions below pertain to matters of organizational and business ethics and are drawn directly from NYS Vendor Responsibility forms. They are structured in a simple yes or no format. “Yes” answers will, in most cases, invite further inquiry from RIOC staff. An affirmative response will not necessarily render you “Ineligible” on this LOI. We only wish to determine whether the circumstances surrounding past contract concerns rises to the level of an ethical infraction.

Integrity Questions

- 1. Within the past five years, have you or any of your affiliates been suspended or debarred from any contracting process or been disqualified on any government procurement?**
- 2. Within the past five years, have you or any of your affiliates been subject to a denial or revocation of a government prequalification?**
- 3. Within the past five years, have you or any of your affiliates been denied a contract or had a application rejected based upon a finding of non-responsibility by a government entity?**
- 4. Within the past five years, have you or any of your affiliates been suspended, cancelled or terminated for cause on any contract?**
- 5. Within the past five years, have you or any of your affiliates had a revocation, suspension, or disbarment of any business or professional permit and/or license?**
- 6. Within the past five years, have you or any of your affiliates been the subject of an investigation, whether open or closed, by any government entity for a civil or criminal violation?**
- 7. Within the past five years have you or any of your affiliates been the subject of an indictment, grant of immunity, judgment or conviction (including entering into a plea bargain) for conduct constituting a crime?**
- 8. Within the past five years, has any individual previously identified, any other key employees not previously identified, or any individual having the authority to sign, execute, or approve Applications, Applications, contracts or supporting documentation with New York State been subject to an investigation, whether open or closed, by any government entity for a civil or criminal violation for any business related conduct?**
- 9. Within the past five years, has any individual previously identified, any other key employees not previously identified, or any individual having the authority to sign, execute, or approve**

APPENDIX B – Grant and Non-Profit Requirements

Integrity Questions

Applications, Applications, contracts or supporting documentation with New York State been subject to an indictment, grant of immunity, judgment, or conviction of any business related conduct constituting a crime including, but not limited to, fraud, extortion, bribery, racketeering, price fixing, application collusion or any crime related to truthfulness?

10. Within the past five years, have you or any of your affiliates received any formal unsatisfactory performance assessment(s) from any government entity on any contract?

11. During the past three years have you failed to file any returns, including, if applicable, Federal Form 990, with any Federal, State or Local government entity?

12. During the past three years have you failed to file returns or pay New York State Unemployment Insurance? If yes, indicate the years you failed to file/pay the insurance and the current status of the liability.

13. During the past 3 years, have you failed to file documentation requested by any New York State agency, public authority or other quasi-state entity, with the Attorney General of the State of New York, or with any other local, State or Federal entity that has made a formal request for information? If yes, indicate the years the business entity failed to file the requested information and the current status of the matter.

Most questions should require a “Yes” or “No” response. If you feel the need to provide pertinent explanatory information, please provide a separate attachment that clearly indicates the section and item to which you are referring.

Explanation for Capacity Questions

- 1. For large and more established organizations with operating budgets of greater than \$500K – we expect there to be evidence of proper internal fiscal controls, such as a separation of financial functions. If this is not present in your agency, please provide an explanation of how you are insuring that internal controls are maintained. For small nonprofits of less than \$500K – while we recognize that staff may be limited, we expect organizations to take measures to insure that internal fiscal controls are implemented.**
- 2. Sound organizations will have an automated payroll system to minimize error. This can be an internally run payroll software program or an external payroll service, such as ADP. Not-for-profit is strongly encouraged to consider an automated payroll system.**
- 3. Sound organizations will have an electronic accounting system to minimize error. This can be a program as simple as QuickBooks or a program that is more sophisticated like FundEZ. The not-for-profit is strongly encouraged to consider an electronic financial management system.**
- 4. In a healthy organization, the senior management team should be meeting regularly to ensure that the organization is meeting its organizational and contractual objectives and resolving outstanding disputes. We understand that small organizations with a lean staff tend to “meet”**

APPENDIX B – Grant and Non-Profit Requirements

informally, but you should explain how your senior staff is reviewing its contractual obligations in this informal environment.

5. Organizations should conduct performance evaluations annually, at a minimum. Businesses invite legal problems if performance reviews are not conducted and documented on a regular basis. Please indicate whether evaluations are being conducted or suggest a plan for implementing such a review policy.
6. Professional development and staff training are different and have different objectives. Staff training can be provided utilizing internal resources and can be conducted with in-house senior staff.
7. There is no right or wrong answer here, just provide as much information as possible.

Explanation for Compliance Questions

1. The not-for-profit's bylaws determine the frequency of board meetings and what constitutes a quorum. A large and established organization should follow its bylaws to the letter. A small or emerging organization should be able to live up to the intent of the bylaws even if there is a technical failure.
2. The taking of meeting minutes of all general board meetings is an important component of organizational record-keeping and a way for boards to maintain and chronicle the not-for-profit's legal structure.
3. A not-for-profit's bylaws determine the frequency of board meetings and what constitutes a quorum. A large and established organization should follow its bylaws to the letter. A small or start-up organization should be able to live up to the intent of the bylaws even if there is a technical failure.
4. The not-for-profit bylaws should offer guidance on both the type of board committees to be formed and the frequency they should meet throughout the year. At a minimum, an agency should have a fiscal committee that should meet prior to the full Board meeting. While it is not required, a schedule of committee meetings over the past year would serve as evidence that your board committees were meeting on a regular basis.
5. Please check off all options that apply. An organization's board of directors should review all of the indicated items if the Board is properly exercising its fiduciary duties. If your board reviews some but not all of these items, please explain why the board reviews some and not others.
6. An organization's board of directors should review financial statements at least quarterly and/or at every full board meeting. If your board does not conduct such reviews, then your board must be referred for board training. Approval for a RIOG Grant will not be given until evidence of training is shown, and a stronger financial review system is in place.
7. Bank statements should be reconciled monthly, or in keeping with procedures of the not-for-profit's fiscal policy. Failure to regularly and consistently reconcile bank statements could point to a more serious operational deficiency.
8. There should be a system of checks and balances in a fiscally sound organization. Therefore, the not-for-profit should provide information demonstrating that contracts and checks are co-signed over a particular dollar amount, for example, and/or that parties with contract signing authority are not the same individuals with fiscal signing authority.
9. Please list the names of all staff members and/or board members who are authorized to sign contracts on behalf of the organization and state whether co-signature is required.
10. Please list the names of all staff members and/or board members who are authorized to sign checks on behalf of the organization and state whether co-signature is required.

APPENDIX B – Grant and Non-Profit Requirements

11. Self-explanatory.

12. Ideally, the senior management team of a healthy organization should be reviewing performance data on a monthly or quarterly basis to ensure that contract performance goals are on target.

13. For large organizations over \$1M operating budget – we expect your organization to have all of the listed policies in place. If not, please provide explanation and indicate your intentions for adopting the same.

For small organizations under \$1M – We prefer that your organization have all of the listed policies in place but, at a minimum, we are requiring that you have in place all of the policies listed in bold (policies 1 through 7). If not, please provide an explanation and indicate your intentions for adopting the same.

While we are not currently asking organizations to provide their policies, please be aware that you may be asked for copies of the policies you claim to have adopted at the time you apply for a RIOC grant.

14. EEOC mandates official postings of EEO laws for organizations of greater than 14 employees and strongly recommends that the required posters be placed conspicuously throughout the worksite. The official EEOC poster includes the EEO regulations pertaining to the Equal Pay Act, which applies to ALL employers, regardless of size.

Therefore, we recommend that all nonprofits post the EEO rules and the EEOC poster, or otherwise distribute them to staff, regardless of size.

15. If your organization uses a business name that is different from the one listed on your Certificate of Incorporation, then you must submit a Certificate of Assumed Name.

16. The M/WBE policy is now required of NY State not- for-profit vendors and goals will be applied to NY State grants contracts.

For more information about NY State’s M/WBE Executive Order, and how it pertains to vendors wishing to do business with NY State Agencies, please contact RIOC. Also, if your organization does not currently have an M/WBE policy in place, please refer to Exhibit 3 of this Application for a template Board Resolution that incorporates that new policy language. Simply review this with your board and have it adopted.

576 MAIN STREET

14'-10"

10'-0"

10'-9"

KITCHEN

10'-8"

22'-0"

3'-0"

9'-0"

5'-1"

IT CLOSET

14'-2"

13'-6"

BATHROOM

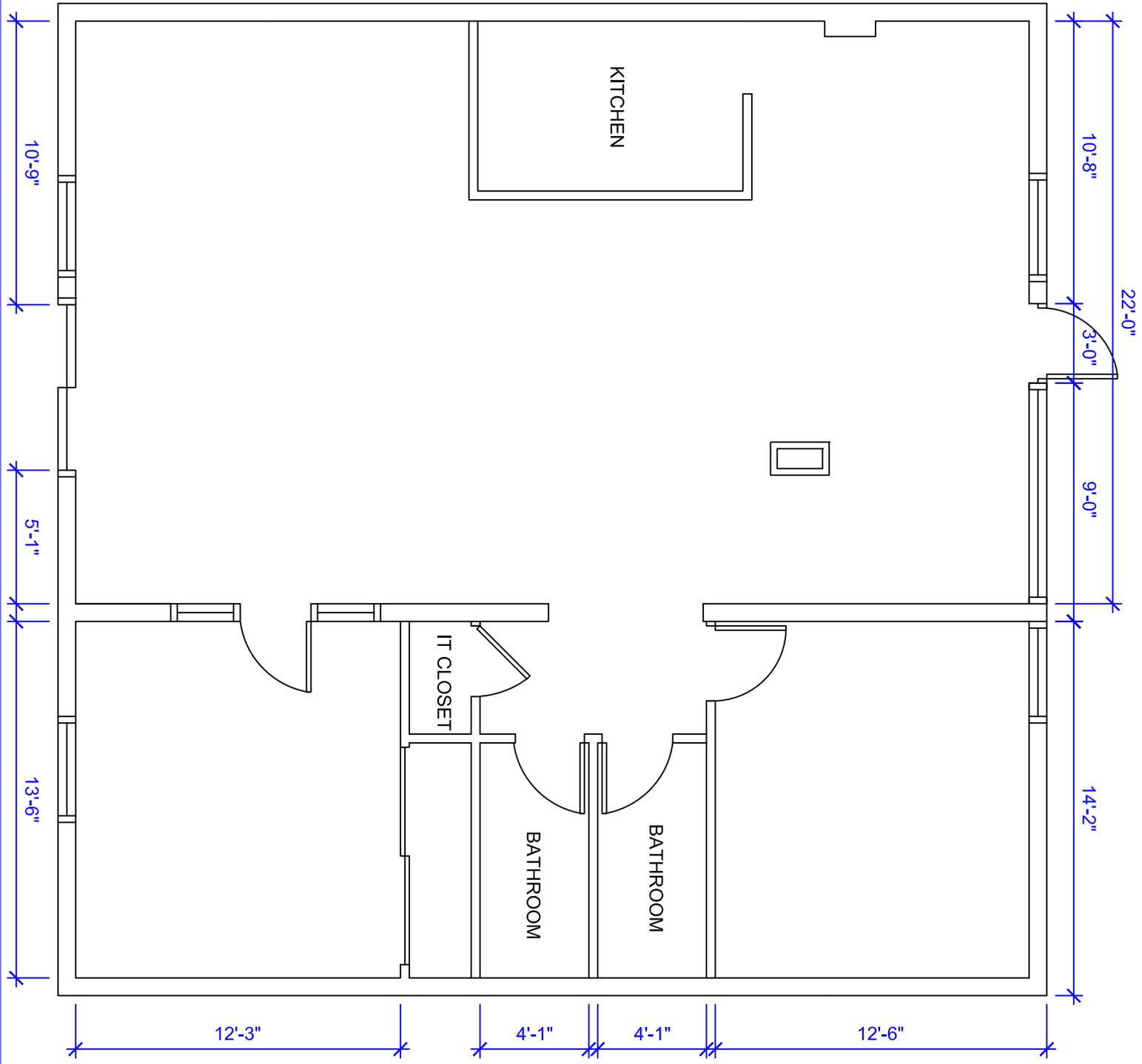
BATHROOM

12'-3"

4'-1"

4'-1"

12'-6"



Certificate of Compliance with Applicable Laws and Policies

Applicant certifies that they "will not propose grants for any organization in which, they, directly or indirectly, through business, investment or family, have or are negotiating to obtain, an ownership or investment interest or a compensation arrangement, or from which they otherwise expect to receive any direct benefit not otherwise available to the community."

Applicant certifies that they are in compliance with all applicable laws, rules and regulations, including but not limited to the New York Non-Profit Revitalization Act of 2013 (where applicable).

Applicant certifies that all required documents and statements therein are true and accurate and that they will comply with all requirements, requests for information, rules and regulations of the Roosevelt Island Operating Corporation.

I, _____, as the person authorized on behalf of
(name)

_____, to sign this certificate, hereby certify
(entity)

that the statements above are true and accurate.

Name: _____

Title: _____

Telephone #: _____

E-mail Address: _____

BOARD RESOLUTION OF [Applicant]
ACKNOWLEDGING ADOPTION OF NY STATE
M/WBE POLICY

Upon motion, duly seconded, the following resolution was adopted:

WHEREAS, [Applicant] has an unwavering commitment to adhering to ethical, unbiased and legal standards in all of its activities, as set forth in its Code of Conduct;

WHEREAS, NY State requires all contractors and subcontractors to adhere to M/WBE regulations and policies in order to enhance MBE and WBE participation in NY State-funded projects;

THEREFORE, BE IT RESOLVED, that this Board of Directors has reviewed the NY State M/WBE legislation and hereby endorses its adoption as follows:

[Applicant] will and will cause its contractors and subcontractors to take good faith actions to achieve the M/WBE contract participations goals set by the State for that area in which the State-funded project is located, by taking the following steps:

- (1) Actively and affirmatively solicit Applications for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to M/WBE contractor associations.
- (2) Request a list of State-certified M/WBEs from the contracting State agency- and solicit Applications from them directly.
- (3) Ensure that plans, specifications, request for Applications and other documents used to secure Applications will be made available in sufficient time for review by prospective M/WBEs.

(4) Where feasible, divide the work into smaller portions to enhanced participations by M/WBEs and encourage the formation of joint venture and other partnerships among M/WBE contractors to enhance their participation.

(5) Document and maintain records of application solicitation, including those to M/WBEs and the results thereof. [Applicant] will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.

(6) Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived or appropriate alternatives developed to encourage M/WBE participation.

FURTHER RESOLVED, that [name], [title] is appointed Compliance Officer, to be responsible for insuring adherence to all contract participation goals as set forth by the contracting State Agency; and

THEREFORE, BE IT RESOLVED, that, periodically, the Compliance Officer shall report on organizational compliance, as deemed appropriate, to the Board of Directors; and

BE IT RESOLVED, that the members of the Board of [Applicant] are, and each acting alone is, hereby authorized and directed to take such further action as may be necessary, appropriate or advisable to implement this Resolution and any such prior actions are hereby ratified; and

WE, THE UNDERSIGNED hereby certify that [Applicant] is comprised of [number] of members, of

whom [number], constituting a quorum, were present at the meeting, duly and regularly called, noticed, convened and held this ___ day of ___, 20___, and that the foregoing Resolution was duly adopted at said meeting by the affirmative vote of the [number] members and opposed by [number] members and that said Resolution has been duly recorded in the Minute Book and in in full force and effect.

_____ Director

_____ Director

_____ Director

_____ Director