

New York State Office of Victim Services

Attorney Services RFA

Questions & Answers

The responses to questions included herein are the official responses by the State to questions submitted by potential applicants and are hereby incorporated in the Attorney Services RFA issued on June 8, 2018. In the event of any conflict between the RFA and these responses, the requirements or information contained in these responses will prevail.

Q1) Can you give guidance on whether the RFA mention about has budget restrictions/limitations, including caps on NPS costs, caps on indirect charges, caps on supervisory or administrative personnel, required salary or number of attorneys, etc.?

A1) All costs must be VOCA allowable. There are no NPS caps on costs, per page 10, under 6. Budget Narrative, applicants must provide a written justification for each budgeted item.

Q2) There does not seem to be a template for the Application Checklist (Attachment 2)

A2) The Application Checklist may be found on the last page of the RFA document in the Grants Gateway.

Q3) Can the required 20% match for non-federal sources come from the subcontracting agency? For example, if OVS-funded agency is subcontracting for attorney services from legal services agency, can the legal services agency provide the 20% match?

A3) Any match must be reported as coming from the OVS funded grantee. Grantees are allowed to use match as a result of a sub-contracting agency; however, the match must be reported by the OVS-funded agency.

Q4) In addition to funding for Attorneys, can funding be used to pay for a paralegal position whose responsibilities include conducting legal intake/screening for crime victims, and assisting and supporting VOCA-funded attorneys on legal cases for crime victims?

A4) Yes, funding can be used for a new paralegal position as long as an attorney is also funded under this grant.

Q5) May we request enough funding to fully fund a new attorney, exceeding the average grant of \$250,000 in order to do so, and then use supervisory staff to count toward our match? (p. 19, section 6.1)

A5) Yes, the total requested amount can exceed \$250,000. There is no cap on requested grant amounts for each contract year or in total. Supervisory staff may also be used as part of the total award and/or may be used as match. For additional questions regarding match, please see page 19.

Q6) What happens if the new attorney that we hire leaves at some point during the contract—may we replace him/her with an existing, trained attorney? Does your answer depend on whether or not overall staffing levels remain the same such that no capacity is lost?

A6) Yes, as long as the vacated position is back-filled.

Q7) Section 2.2 Part A, p.6 CVLN: one of the duties of the new attorney will be serving as a referral partner for the new CVLN. The RFP states that this network website is being piloted in western NY will be rolled out to the rest of the state outside of NYC in 2019. Can you tell us when you expect it to be available in NYC?

A7) There is no schedule at this time.

Q8) Section 3.4, Project budget p. 10: We are instructed to explain any budget changes from Year 1. May these changes include annual increases in staff salaries as per our step rates?

A8) Yes, reasonable pay increases are allowable.

Q9) Do non-profit organizations applying for this grant have to be an attorney's office to be eligible? Or we can just hire attorneys.

A9) No, you do not have to be an attorney's office. As stated on page 5, section 2.1 OVS invites applications for financial assistance to fund new attorney(s) position for currently funded OVS VAPs or CACs.

Q10) Would you kindly provide clarification on the following statement that is posted within the funding opportunity announcement?

“Anticipated Amount of Award(s) \$250,000.00”

Is the \$250,000 anticipated award amount per year or over the 5-year term?

A10) See A5.

Q11) The application instructions indicate, that under “Proposed Services and Implementation” in the Work Plan section, that applicants are to describe the services and activities to be undertaken and provide justification for staff and resources. It is not clear if a separate narrative is to be submitted or if this section will be purely scored from the Program Work Plan. If a separate narrative is required, would it be correct to assume that it would be uploaded into the Grantee Document Folder as there is not a fillable narrative option in the Work Plan Overview section of the Grants Gateway application?

A11) The proposed services and implementation should be placed in the project summary portion of the workplan.

Q12) If a VAP contracts with us, can we use our Legal Services Corporation (LSC) funds to help meet the match requirement? Generally, LSC funds are considered non-federal for purposes of match.

A12) LSC funds may be used for match. Additional guidelines for match may be found on page 19 of the RFA.

Q13) Can multiple VAPs submit a joint application?

A13) No.

Q14) If a VAP hires an attorney in house, Sections 495 and 496 of the Judiciary Law require an annual report to be filed with the Appellate Division – can VAPs be made aware of this so they comply with the statute? Some of these VAPs are small rural programs that have never had an in-house attorney before, and probably will not be aware of this.

A14) Applicants should be aware of, and compliant with, any requirements of the Judiciary Law and rules of the Office of Court Administration.

Q15) Should applicants who hold multiple VAP/CAC contracts submit a single application for all proposed attorney's agency-wide, or should we submit multiple individual applications for each contract we hold with program-specific requests?

- If applicants should submit one single request for an entire agency, how would OVS like us to document their distinct focuses, activities, locations, etc.?

A15) Applicants are encouraged to submit one application per section 2.3. Attorney activities, focus and location should be outlined in the budget and narrative.

Q16) Is there any cap on the number of attorneys we can propose relative to our contracts/contract size?

A16) No, please reference section 3.4 6. Budget Narrative on page 10, "applications must provide a written justification for each budgeted item for which grant support is requested".

Q17) Is there an expected grant amount? A maximum? (pg. 16)

A17. There is no expected grant amount. The total available funding for the entire (5) year period shall not exceed \$250,000,000. Please reference section 3.4 6. Budget Narrative on page 10, "applications must provide a written justification for each budgeted item for which grant support is requested".

Q18) Can the one FTE attorney be two half-time attorneys newly assigned to grant work? (pg. 11)

A18) Yes, two half-time attorneys may be hired but the positions should be listed separately on both the budget and position description form. Note that per page 16, section 5.6.1, this must be for new positions. Funds cannot support existing staff "newly assigned to grant work" unless the positions they vacate are back-filled.

Q19) Would OVS welcome letters of support?

A19) No.

Q20) Can Legal Services Corporation funds be used as match? (pg. 19)

A20) See A12.

Q21) We downloaded the pre-submission documents from Grants Gateway. The Budget Template form from Grants Gateway states “Year 2”? Is that a typo? Can we use this form anyway, or will a corrected version be uploaded onto Grants Gateway?

A21) Proposed budgets for years 2 through 5 should be entered in the Pre-submission upload file “Futurefunding.xls”. There are tabs for each year located at the bottom of the spreadsheet.

Q22) How many trainings the attorney will be required to attend?

Where the trainings will be?

What the daily cost of hotel accommodations will be?

Whether other travel for non-mandated training can be included?

A22) Per section 2.2, section B, page 7, applicants must certify that within the first year of hiring an attorney(s) under a contract resulting from this solicitation the attorney(s) will have completed 15 hours of training related to holistic Victim Law and some portion of that training must be devoted to the neuroscience of trauma and its implication for legal representation of crime victims. This may take more than one training if the program chooses to attend trainings of their choice. As stated in the RFA, the budget for the proposal under this solicitation may include a request for funding to support this training fully, including all associated travel costs. Should the applicant secure legal services via a contract, rather than hire a staff attorney(s), the contractors must receive this training within a year of contract execution. The location of the OVS sponsored training has not yet been determined, and because applicants may elect to attend other suitable training of their choice with OVS approval, applicants are advised to include an estimated amount for costs in their budgets to cover these expenses.

Q23) Is 24 hour crisis hotline coverage by volunteers considered an acceptable matching activity under this RFA?

A23) No.

Q24) Do M/WBE provisions apply under the RFA?

A24) No.

Q25) When contracting for Attorney services, is a flat retainer option for the given budget year acceptable, or does billable time need to be specific, and documented with the number of hours of service rendered along with the rate per hour?

A25) For contracting for attorney services, either method is acceptable.

Q26) Can advocates contact the attorney for legal advocacy as an allowable activity under this RFA?

A26) Yes .

Q27) Can the attorney provide legal advocacy trainings to advocates under this RFA?

A27) Attorney’s may provide legal *information* however trainings are not allowable.

Q28) Is a divorce an allowable legal service an attorney can provide under this RFA?

A28) Yes, VOCA Final Rule 94.119F allows for legal assistance services on non-emergency and emergency basis where reasonable and where the need for such services arises as a direct result of the victimization, such as non-tort, civil legal services which include but are not limited to assistance in divorce, and child custody and support proceedings.

Q29) Can the attorney be used for legal services to secondary victims under this RFA?

A29) Yes.

Q30) Are there any age restrictions to receiving legal services under this RFA?

A30) No.

Q31) Are attorney fees the last payer of resort under this RFA? In other words, will OVS allow victims to choose an attorney funded through this grant rather than the Court appointed attorney, that is, if the preferred attorney is allowed by the Court?

A31) Grants are not the payer of last resort.

Q32) Do sub-contracts for attorney services need to be prior approved by OVS before they are executed?

A32) No.

Q33) Is reporting (fiscal and program) under this RFA/grant monthly or quarterly?

A33) Quarterly.

Q34) In Attorney Services RFA "Supervisory Support" – Can this be hiring an ADA Supervisor? One with more experience and higher rate of pay than a new incoming ADA?

A34) Yes.

Q35) Where will the CVLN meetings be?

How many meetings during the first year?

How many meetings in each year thereafter?

How much will the daily cost of hotel stays be?

Are both the new attorney and supervisor be required to attend these trainings?

A35) Supervisors would not be required to attend. It is not anticipated that there will be many in-person meetings. It is likely that most will be via webinar. How frequently these will be held is unknown at this time but it would be reasonable to estimate quarterly. Reasonable planning would allow for one annual in-person meeting in an upstate NY region.

Q36) If a lead applicant will be subcontracting legal services, which of the parties are required to submit the following:

- Letter of Certification and
- Letter of Training Certification

Just the lead applicant? The subcontractor? Or both parties?

A36) The lead applicant.

Q37) On page 10, the RFA allows for VAPs and CACs to hire an attorney via a contract rather than to add to their staffing roster. It then goes on to say not to list personal service costs under operating expenses. Does this mean that OVS is requiring contracted attorneys to be listed under personal services?

A37) Contracted attorneys should be listed under contractual services.

Q38) Paralegals typically are involved in conducting legal intakes, helping clients' complete paperwork, serving as liaisons between attorneys and clients, etc. Can salaries for paralegals be paid for with this funding?

A38) See A4.

Q39) On page 3 of Instructions it is stated that applicants may use an amount up to ten percent (10%) De Minimis rate of their Modified Total Direct Costs (MTDC) base. If we subcontract attorneys through another agency, and they would like to provide part of the match with their administrative costs, can the match of administrative dollars exceed the 10% cap of the MTDC?

A39) The 10% De Minimis rate applies to the grantee and its subcontractors. However, the De Minimis rates may only be applied to the value of the subcontract on this grant. This may be used towards match. Any match applied toward this contract must be supplied by the OVS contractor. Grantees are allowed to use match as a result of a sub-contracting agency; however, the match must be reported by the OVS funded agency.

Q40) Current Position Description forms list the OVS ADMINISTRATIVE category as being capped at 7.5% of one FTE per program for VOCA performance reports and 7.5% of one FTE per program for fiscal cost reporting. Will the same restrictions be placed on this funding?

A40) No.

Q41) Also, would positions performing administrative functions that are paid via contract need to be included on the Position Description form?

A41) No.

Q42) On page 6 of the RFA, it states that the New York Crime Victims Legal Help website has an initial scope outside of New York City. For the current RFA, is eligibility limited to providers outside of New York City or are New York City-based providers eligible for this funding?

A42) New York City-based providers are eligible for this funding.

Q43) At the bottom of page 15, it states: "Applicants may choose to hire an individual to fill the Attorney Position OR hire an attorney via a contract to fulfill the Attorney duties." Is it allowable to do both? We want to propose hiring an attorney in-house to cover certain legal needs for victims, and to contract with a partner agency that has more expertise in other legal areas to hire another attorney to help meet those needs for victims.

A43) Yes, it is allowable to do both.

Q44) Is there a salary cap for each individual attorney hired or contracted for?

A44) No.

Q45) Is there a limit on the number of positions that each program can apply for?

A45) No.

Q46) Can clients work with the on-staff attorney in lieu of applying for a court appointed attorney?

A46) Yes.

Q47) Can the attorney assist clients with separations, divorces, and child support?

A47) See A28.

Q48) Can the attorney assist clients with immigration issues and out of state issues (such as custody was established in another state or the client is in New York after fleeing DV in another state)?

A48) Yes, if directly related to the crime.

Q49) Can a VAP apply to serve their contracted service area and another VAP service area with shared attorney services? There would be an agreement with the second VAP to provide said services in their target area.

A49) Any contracts resulting from this procurement are with the applicant agency only. All performance measurement and fiscal cost reports must be reported by the applicant. Applicants are not bound in this RFA by any service area limitations of any of the applicant's existing OVS contracts.

Q50) Is there a budget cap per application?

A50) No.

Q51) We plan to contract with another entity for an attorney. May we use that entity's cash and/or in-kind contribution to satisfy our matching funds requirement as outlined in the RFA?

A51) See A3.

Q52) We will be applying for the RFA for Attorney Services for all four of our funded programs, one of which is a Native American Program. The match requirement is 20% for the programs with the exception of the Native American Program which is 5% match. How would our match requirement be calculated if a portion of this grant would be dedicated to our Native American Program as well as our other three programs?

A52) Native American tribes or organizations on reservations are now exempt from match requirements. Therefore the 20% match should be calculated on only the programs that are not Native American programs. Applicants are encouraged to be sure the applicant itself is a Native American tribe or organization on a reservation to be exempt from match requirements.

Q53) Would paralegals, law students, and/or pro-bono attorneys be considered as volunteers even if

they are paid by the law office we contract with through federal or non-federal funds? Could we count them as match to the grant?

A53) They cannot be considered volunteers if they are being paid for the hours they devote to the program. However, their paid time could be counted as match.

Q54) Matching Funds – can this be agency volunteers/interns who are performing all direct services for victims and not necessarily just criminal/civil justice system assistance?

A54) Yes, however, match needs to be for VOCA allowable services and cannot be used as match on another program.

Q55) Are we able to rent space to house an attorney?

A55) Yes.

Q56) Do we have to submit a De Minimis Rate Form? What is the criteria?

A56) Only if using a De Minimis Rate.

Q57) In the Grant Opportunity Announcement, it is stated that the "anticipated amount of the awards will average around \$250,000 depending on the # of Attorneys the applicant is looking to fund."

A57) See A5.

Q58) For an organization looking to fund a single full-time position, is there a maximum award for an individual organization?

A58) No.

Q59) For an organization looking to fund a single full-time position, is a maximum salary for an attorney position? is there a maximum for a first-year attorney within the grant versus a fifth-year attorney at the end of the grant?

A59) No, there are no maximum salaries for any positions; however, all salaries need to be justified.

Q60) Similarly, is there a maximum cost that can be attributed to other than personnel costs (OTPS) if so, what is it?

A60) No, but all costs must be justified.

Q61) Are there any restrictions for the use of these funds for supportive personnel who will be helping to implement the grant - staff working on Fiscal administration, Grants management, Communications and Operations? If so, what are they?

A61) No, but the administrative work must be VOCA-related.

Q62) Could this grant be used to support legal support staff in addition to an attorney, such as a legal assistant or paralegal?

A62) See A4.

Q63) On page 9 of the RFA, it notes that "Stronger applications will have a significant number of services or tasks beyond the minimum requirement", what is the minimum requirement for each of the services or tasks?

A63) See section 3.4 of the RFA.

Q64) If we utilize funds to create a new attorney position, and one of our existing attorneys applies for it (in which case we would then hire a new attorney to replace her), is this allowable?

A64) Yes. As long as a new hire is brought in to replace the existing attorney.

Q65) Can we propose to fund paralegals, legal advocate positions, and/or BIA accredited staff who are not attorneys?

A65) Positions other than attorneys can only be funded if an attorney is also funded under this contract.

Q66) Can we propose to hire attorneys to handle divorces/matrimonial cases for DV victims?

A66) See A28.

Q67) Please confirm the expected grant awards – is it \$250,000 annually?

A67) See A5.

Q68) May the budget include funds for a paralegal for the attorney(s)?

A68) See A4.

Q69) Will funds awarded be in a separate contract OR added to our existing OVS contract?

A69) Separate contracts.

Q70) Can personnel costs for an advocate, counselor, support staff, etc. serve as match so long as they support the attorneys in providing holistic services and/or so long as the match salary is not paid with other federal funds?

A70) Yes.

Q71) Are quantitative outputs or performance measures be entered for one year OR for the full five years of the project?

A71) Performance measures should for one year.

Q72) Is there any estimate on the time commitments or costs to meet CVLN expectations?

A72) See A35.

Q73) How often will we need to report on progress?

A73) Quarterly.

Q74) Re: RFP Page 19 (Section 6.1 Matching Funds), a question. If an applicant garners and receives a donation from an outside entity of regular or intermittent access to needed office and meeting space and/or play space for children of survivors to use (under qualified supervision) in support of attorney counseling sessions and other grant-related activities, can the monetary value of the provision of such space by a third party (such as a Children's Museum or local business) count toward the 20% match?

A74) Yes.

Q75) Three inter-related questions. Page 10 of the RFP indicates "requested funding can also include reasonable personal service costs for supervision and administrative costs". Question: if an applicant maintains a negotiated federal indirect cost rate, is the applicant allowed in the Operating Expenses budget category of its proposal to indicate this rate and request indirect costs using that negotiated rate? Does the answer to this question change in any way(s) based on whether the applicant chooses to request funding in the personal services category for supervision and/or administrative costs (e.g., fractions of specific supervisory or administrative staffing positions related directly to this grant-funded program)? Does the answer change if the applicant plans to supply supervision and/or administrative support as part of its 20% match?

A75) Indirect costs are allowable and should be entered in the operating expenses category. The answer depends on the wording of your federal indirect cost rate agreement. If an applicant has an approved federal indirect cost rate, it must be used.

Q76) Are applicants that have a federally negotiated indirect cost rate allowed to charge their full negotiated rate or is there a limit of 5% (or other limit), as some other OVS grants have?

A76) Yes, they are allowed to charge the full negotiated rate.

Q77) Would OVS like applicants that have an Indirect Cost Rate Agreement to upload a copy of this in the Grantee Document Folder? (If not, where within Grants Gateway should applicants upload this?)

A77) Yes, upload in the grantee document folder.

Q78) Will an applicant that has a negotiated Indirect Cost Rate Agreement receive a submission error in Grants Gateway if it does not upload the De Minimis Rate Calculation Form (since it does not apply to such applicants)? If so, what is the preferred work-around to this?

A78) No, this is not a required form unless applicable.

Q79) If an applicant that is also administering an OVS Case Manager contract establishes protocols by which the Case Manager and the hired Attorney sometimes work *together* (to deliver holistic, integrated services) *sharing* some clients based on these clients' complementary needs and based on each separately funded role's specialty, how would OVS like the applicant/grantee to project (estimate) and ultimately report on certain Performance Measures that might overlap the two collaborating programs. For example, if *both* the Case Manager and the Attorney offer a particular domestic violence survivor [different types of] *information* about the criminal justice process and about victim rights, or immediate linkage to the applicant's internal transportation assistance or childcare assistance services, does OVS

allow the applicant/grantee to project (estimate) / ultimately report (tally) each such instance within “the number of times” data for these specific Performance Measures on *both* contracts? The answer to this question will help guide (or potentially halve) our Performance Measure estimates and calculations in certain performance categories for this Attorney Services grant. In our agency’s experience, clients (survivors) are much more likely to take action(s), such as receiving information, or engaging a resource (like an Attorney or transportation assistance), when staff *across* cooperating programs collaborate and coordinate to support the survivor in engaging available resources.

A79) The attorney would report services provided under this contract and the case manager would report any services provided under the case manager contract. If both the attorney and case manager each provide services, they should record their services under their respective contracts.

Q80) For the named optional objectives, tasks, and performance measures, such as "Provide the number of times transitional housing will be given," how would OVS prefer applicants to estimate/project the number of times? (For example, if 10 of the victims served by the newly hired Attorney through this grant *also* will receive transitional housing [through another grant], does OVS want applicants to project "10 times" for this performance measure? (If the attorney functions, in his/her legal services role, as an informed *referral gateway* to other available agency services that align with this grant's specific optional objectives [e.g., transportation, childcare, housing, etc.], does OVS want applicants to *count* or *not count* the result of each such anticipated referral and service provision instance (regardless of funding source) in the related optional performance measure category(ies)?)

A80) The person who was actually providing the service should count the service. Just because an attorney assisted an individual who was referred for transitional housing, the attorney didn’t provide that service and should not count that service.

Q81) When aligned with victims' needs, are applicants allowed / encouraged to use some Attorney Services funding to *pay* for services named in the various *optional objectives* and *performance measures*, such as Objective 3 -- Personal Advocacy/Accompaniment, Task 10 "Provide the number of times transportation assistance (provided by agency) will be given," or Objective 4 -- Emotional Support or Safety Services, Task 5 "Provide the number of times individual counseling will be given"? (i.e., Can some funds be budgeted toward directly providing transportation assistance and/or individual counseling to clients who are receiving this grant's core attorney services?)

A81) Transportation costs and other allowable NPS associated with services provided by staff on this contract are allowable.

Q82)When applicants are projecting / estimating performance measures (integers) for optional Objective 3 (Personal Advocacy/Accompaniment), for example "Provide the number of times child or dependent care assistance (provided by agency) will be given," does OVS wish applicants to provide *only* a sum-total of such Advocacy/Accompaniment instances that are directly funded by *this* grant, or a sum-total that *includes* instances funded by *other* sources but that are services to be received (via internal agency referral) by *victims/clients* who are also served by the Attorneys associated with this grant?

A82) Only the total instances of services directly funded by this grant should be reported.

Q83) Are applicants permitted to use the “Grantee Document Folder” on Grants Gateway to upload one or more supplementary documents that will support an application’s demonstration of need and/or its current capacity?

A83) Yes.

Q84) If the Attorney hired by this grant funding will perform some work not only at the various office addresses of the applicant agency but also in specific courts within the County, does OVS want the applicant to list each courthouse as one of the "Project/Site Addresses" (or only list the agency's own offices)?

A84) No, only lists the attorney's primary location(s).

Q85) In the Grants Gateway online interface, Program Question 1 and Program Question 2 each provide a textbox with a limit of 4,000 characters AND an "Upload-Choose File" button. Question: Are applicants allowed to use the "Upload-Choose File" button in the event that they wish to exceed 4,000 characters to fully respond to the question? (If so, does OVS prefer that the applicant type only "Please see attached" within the textbox (and then attach a PDF with the full response)... or does OVS prefer that the first 4,000 characters be typed in the textbox and the remainder be attached as a PDF continuation? (And/or is the "Upload-Choose File" button intended to upload something *else* for Question 1 and Question 2? Please advise.)

A85) If your narrative will exceed the 4,000 character limit, please upload the entire narrative and in the text box write "please see attached".

Q86) For the required **Volunteer Form**, is it acceptable if the volunteer(s) are individual(s) presently associated with a *variety of programs* that an applicant delivers to victim of domestic violence or must the volunteer(s) be associated strictly with the to-be-hired attorney and/or existing *legal* assistance services?

A86) The volunteer only needs to be a volunteer at the applicant's organization.

Q87) In the "Positions Description Form template on Grants Gateway, the instructions within the Excel template indicate, "Include volunteers and positions funded by OVS and/or match." Question: If we will simply hire one Attorney (full-time) and one part-time administrative (or supervisory role) with OVS funds from this opportunity, is it acceptable/preferred to populate only two rows of this table, or are applicants required also to list a minimum of one volunteer position, thereby adding/populating additional row(s)? Also, regarding volunteers, on this form, does OVS wish applicants to only include those volunteers whose efforts will be encompassed in the 20% match for this program? Question: Does OVS wish for applicants to list other positions funded by OVS contracts on this form if *not* related to *this Attorney Services* funding opportunity?

A87) If the volunteer is being used as match, they must be on the position description form. If they are not being used as match, they are not required to be on that form. Only positions related to this procurement should be listed on this position description form.

Q88) Page 16 of the RFP indicates, "The purpose of this procurement is to fund new Attorney position(s). Under VOCA regulations, applicants may not supplant the Attorney position with an existing employee, even if they are currently in an Attorney title." Question: If an applicant presently provides *some* (insufficient) attorney services to local victims of domestic violence via contracted partners (who are paid by the applicant via a federal Office on Violence against Women grant), is the applicant eligible to use these NYS OVS Attorney Services contract funds to hire an *on-staff* attorney who will *significantly complement* the roles of the federal OVW-funded attorneys and *fill specific service legal service gaps* for local victims that are not addressed by the existing contracted attorneys? Can the newly hired OVS-funded attorney work together with the federally funded attorneys to assure complete and holistic legal representation across all the victims' legal needs? In any scenarios where attorneys would share a client,

each attorney would be focused in their own area of expertise, so there would be no duplication of effort or services and no supplanting.

A88) Yes, if the contracted attorney is hired as an on-staff attorney, paid under different funds, to perform different services, that is allowable. Yes, the newly hired OVS-funded attorney may work together with the federally-funded attorney.

Q89 Can two lawyers, funded by two different sources (one being this grant) *share* a client to address distinctly different legal matters? For example, if *this* grant will fund one lawyer to help clients with divorce and/or immigration, can another agency-affiliated lawyer -- contracted via a different funder -- assist the *same* client with child custody matters? (We do not believe this would pose any supplanting or other potential conflict with OVS rules for this grant, but wish to verify.)

A89) Yes.

Q90) Page 6 of the RFA indicates that “these funds may also be used to allow victims to follow a motion to vacate and/or expunge certain convictions based on their status of being a victim.” If a victim has been *falsely accused* of a crime by her abuser or related entity (a crime such as violence that is actually self-defense) could these OVS funds be used to support the victims’ attorney needs relevant to addressing the false accusation before a conviction can occur? We understand from RFP page 6 that “costs for legal work for criminal defense and tort lawsuits are expressly prohibited,” however, we ask this question for clarity because a **key gap** in attorney services for *many survivors* of domestic violence is attorney assistance in addressing such false accusations (which occur within the context of domestic violence).

A90) Criminal defense is not allowed.

Q91) In addition to funding an attorney, can the grant money be used to fund a paralegal position to support the legal work of the attorney?

A91) See A4.

Q92) With respect to the workplan, if our organization already has a grant(s) with OVS to fund social workers/case managers who are handling OVS claims info/compensation, does the attorney services workplan have to include the OVS compensation application objective?

A92) No.

Q93) Does Objective 6 #10, which must be included in the workplan, include accompaniment to Family Court for prosecution of Order or Protection or only Criminal Court? Does this objective cover advocacy with NYPD, District Attorney, or advocacy with other law enforcement agencies?

A93) Yes, interviews are covered under E9; criminal advocacy is covered under E10.

Q94) Is there a maximum budget amount that can be requested?

A94) No.

Q95) Under Objective 6 in the workplan only Order of Protection, custody, visitation, and support are listed under the civil legal attorney assistance with family law issues. Does the funding allow attorneys to provide representation in matrimonial/divorce proceedings. If the funding does allow representation on matrimonial/divorce proceedings would this be counted in the family law objective or #11-other legal advice and/or counsel

A95) Yes, covered under family law objective.

Q96) Does budgeted staff have to be a full FTE or can they be a partial FTE?

A96) Either is acceptable.

Q97) Is there a maximum Indirect Cost Rate that can be budgeted.

A97) No.

Q98) We assume since these are federal funds we could be required to have a more costly and complex OMB-131 audit; we will have additional payroll processing costs; there will also be added financial reporting and vouchering costs by our finance staff. Is there an administrative cost cap? If so what is it and what is included in it?

A98) No; however, payroll processing costs are not allowable and administration costs are only allowable when they support VOCA administration.

Q99) Can a victim assistance program partner with their local Legal Aid Society for attorney services? For example, the full-time attorney, funded through this grant, would be employed by Legal Aid but would be placed, full time, at the victim assistance program.

A99) Yes.

Q100) The RFA states that OVS will make available the required 15 hours of training related to holistic Victim Law. In order to project expenses - where will this training be provided and will there be a cost for registration?

A100) See A22.

Q101) On Grants Gateway, there are character limits of 4,000 for the narrative questions, but we are uploading separate documents for the first two program specific questions. Are there any word or character restrictions for these uploaded documents?

A101) No.

Q102) On the application instructions document, p. 4 under the Work Plan, there is a section for Proposed Services and Implementation, worth 30%. I do not see a separate place to enter or upload this narrative in Grants Gateway. Please clarify.

A102) See A11.

Q103) For the annual funding from other sources sheet, if the program to be funded is housed within a larger program that provides specific services to DV victims, but the agency as a whole has other programs that provide different services to different populations of crime victims, do you want us to include the funding sources that cover those other agency programs? The form refers to the whole agency but I don't know if it really intends to focus on related services for the same target population.

A103) Please provide all funding sources for the entire agency.

Q104) Is it permissible to hire paralegals through this RFA?

A104) See A4.

Q105) Is coordination and training of Pro Bono (volunteer) attorneys a permitted activity for an attorney hired through this RFA?

A105) Volunteer coordination and training is allowed.

Q106) Is this funding renewable?

A106) The contract term is for 5 years with no renewal option under this contract.

Q107) Is divorce considered an appropriate family law service?

A107) See A28.

Q108) Can paralegals be funded to perform direct services under the guidance of an attorney on this application such as accompaniment or notification?

A108) See A4.

Q109) Can paralegals be funded to provide administrative support to attorneys funded on this application?

A109) See A4.

Q110) Can this grant cover expenses such as filing fees, subpoenas, Language Line Solutions etc.?

A110) Yes.

Q111) Does the indirect cost rate, which will be used for supervision and administrative costs, have to be broken out by position?

A111) No.

Q112) What is meant specifically by “criminal/civil justice system assistance” and by “criminal advocacy/accompaniment”? Are there specific services that are required?

A112) Criminal/Civil Justice Systems Assistance:

Refers to actions taken in-person, on the telephone, or in writing, to support, assist, and advocate for victims at any stage of the criminal justice process.

Criminal Advocacy/Accompaniment: Use this category to report criminal advocacy and accompaniment services provided by advocates and not listed elsewhere. Services may include criminal court accompaniment, criminal court preparation, post-conviction advocacy, nonmedical child forensic exams, etc.

Q113) Must the integers that we provide for the annual performance measures be multiples of 12 to facilitate the development of monthly objectives? (RFP p.9)

A113) No.

Q114) The language on performance measures in the application instruction document (p.5) suggests that we may define new tasks and that we may choose to provide the number of victims served as a performance measure. However, in Grants Gateway, we are not seeing options for doing either as everything seems to be pre-defined, and most of the performance measures are set as number of times a service is provided. Is there something we are missing?

A114) No, any additional services provided must conform to the pre-defined task and objectives.

Q115) If an organization takes the lead, can it submit a collaborative program with other rape crisis centers to provide legal services to clients of the lead organization and referrals from its collaborators. Are letters of agreement by the collaborating partner needed for such a referral arrangement?

A115) Any contracts resulting from this procurement are with the applicant agency only. All performance measurement and fiscal cost reports must be reported by the applicant.

Q116) The RFA references legal services for expungements. Can expungements include legal services to assist victims with expunging child welfare charges against them that are a direct result of the domestic violence perpetrated against them. i.e Child welfare neglect cases in family court and NY State Central Registry clearances.

A116) Yes.

Q117) In the allowable expenses list is “Legal assistance services for non-emergency and emergency basis where reasonable and where the need for such services arises as a direct result of the victimization” but then later characterize divorces at non-emergency unallowable activities. These two statements seem contradictory. In our domestic violence legal practice we see divorces as an emergency service where the need arises as a direct result of victimization. We see this restriction as creating a complication when for example the case starts in the family court under allowable activity and then consolidated to Supreme Court where a divorce is heard. We would then no longer be permitted to represent the client under the OVS grant.

A117) Divorce is an allowable expense if related to the victimization.

Q118) For divorces, if we make an application for an Order of Protection in the divorce, would that be a permissible use of OVS funds for attorney services.

A118) Yes.

Q119) Are evaluations that are regularly conducted within the context of court proceedings by psychologists, psychiatrists, social workers a permissible reimbursable expense under this RFA i.e expert evaluations to prove allegations of domestic violence or forensic evaluations within custody/visitation proceedings.

A119) Yes.

Q120) Regarding Section 2.1 which states: OVS invites applications for financial assistance to fund new attorney(s) positions for currently funded OVS VAPs or CACs. Attorneys are critical to assisting with the provision of comprehensive, victim-centered work. Crime victims have both civil legal needs and legal needs related to the criminal justice system.

If an organization already has an attorney on staff, can they still apply for funding to be used to increase the reach of a DV Law program and utilize funds to support an additional attorney staff member?

A120) Yes, as long as it's a new position.

Q121) If a position is being funded by monies that is not specific to an attorney role and could be used to support other functions at the agency, can an agency apply for this funding if they currently have an attorney on staff?

A121) See A65 and A6.

Q122) Can the attorney hired through this RFA work on divorce cases for victims of domestic violence/stalking/sexual assault? We are assuming in this question that the victim would be divorcing the perpetrator of the crime.

A122) Yes.

Q123). The cover in Grants Gateway [Full Announcement Details as attached below] notes that the average award is anticipated to be \$250,000. Is that per year or over the five year period? We assume annualized at \$250,000 per year since \$50,000 per year would not be sufficient to hire an attorney.

A123) See A5.

Q124) Is there an upper limit to what one organization or consortium of organizations can apply for?

A124) No.

125) The RFA indicates that the funding must be allocated for new Attorney positions [pg. 5 Section 2.1 Introduction, pg. 10 Section 3.4(5) Project Budget and pg. 16 Section 5.6.1 Funding Purpose and Eligible Costs] We assume this means positions that are new to the Crime Victim advocacy work and contract, not necessarily new to the organization. In other words, could existing attorney staff working in unrelated areas be eligible to apply internally for these new positions?

A125) See A64.

Q126) While the anticipated services call for attorney staff, can funding be used to support paralegal or other non-attorney positions dedicated to the work of the attorney and the project, for example, outreach workers and paralegals assisting with client education, community education and client support services? [pg. 10 Section 3.4(6) Budget Narrative]

A126) See A4.

Q127) Can funding be used to provide training and technical assistance to other attorneys in legal services or crime victim programs who may benefit from targeted substantive law support in their work with crime victims?

A127) See A27.

Q128) Can funding be used to provide assistance in a group setting or legal clinic supporting Know Your Rights sessions or targeted substantive law issues (for example, how to address unemployment issues or eviction challenges as a crime victim)?

A128) Yes, as long as they're not preventative.

Q129) We assume since these are federal funds we could be required to have a more costly and complex OMB-131 audit; we will have additional payroll processing costs; there will also be added financial reporting and vouchering costs by our finance staff. Is there an administrative cost cap? If so what is it and what is included in it?

A129) No; however, payroll processing costs are not allowable and administration costs are only allowable when they support VOCA administration.



**Office of
Victim Services**

**REQUEST FOR APPLICATIONS
for
Attorney Services**

**Victims of Crime Act (VOCA)
Victim Assistance Program**

**Andrew M. Cuomo, Governor
Elizabeth Cronin, Director**

RFA Release Date: June 8, 2018

Application Due Date: August 7, 2018 @ 2:00 PM EST

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***** LATE APPLICATIONS WILL NOT BE ACCEPTED*****

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Attachment 1 - Eligible Applicants
Attachment 2 - Application Checklist

1. INTRODUCTION

1.1 Overview

The Office of Victim Services (OVS) is the administering agency for the State of New York through which VOCA Victim and Witness Assistance Grants are awarded across the State. OVS (1) provides compensation to innocent victims of crime in a timely, efficient, and compassionate manner; (2) funds direct services to crime victims via a network of community-based programs; and (3) advocates for the rights and benefits of all innocent victims of crime.

***Note* The contracts resulting from this RFA will commence on October 1, 2018 and will be in effect for five (5) years.**

Designated Contact

Matt Courcelle, Contract Management Specialist 2, NYS Office of Victim Services, has been designated as the PRIMARY contact for this procurement solicitation and may be reached by email or voice for all inquiries regarding this solicitation.

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1.2 Mandatory Applicant Qualifications

This solicitation is limited to Victim Assistance Programs (VAPs) and Child Advocacy Centers (CACs) that hold a **current executed** contract with OVS. Please refer to Attachment 1 for a full list of eligible applicants.

1.3 Key Events

The Table below outlines the tentative schedule for important action dates.

Action	Date
RFA Release Date:	June 8, 2018
Deadline for Submission of Questions:	June 29, 2018
Response to Questions:	July 6, 2018
Application Due Date:	August 7, 2018 at 2:00pm EST
Contract Start Date:	October 1, 2018

1.4 Glossary of Terms

“Administering Agency” shall mean the NYS Office of Victim Services.

“Applicant” or **“Offerer”** shall mean any not-for-profit or government entity submitting an application to the State pursuant to this solicitation.

“Application” shall mean any submission in response to this solicitation.

“Attorney” shall mean an attorney in good standing in New York State and licensed to practice law in New York State.

“CAC” shall mean Child Advocacy Center.

“Director” shall mean the Director of the NYS Office of Victim Services or duly authorized representative.

“Evaluators” shall mean the individual(s) who reviews applications for NYS OVS funding.

“Grant Recipient” shall mean a successful applicant awarded a contract pursuant to this Solicitation.

“OSC” shall mean the Office of the New York State Comptroller.

“OVS” shall mean the New York State Office of Victim Services.

“Request for Application”, **“RFA”**, or **“Solicitation”** shall mean this document.

The **“State”** shall mean The People of the State of New York, which shall also mean the New York State Office of Victim Services.

“Sub-Recipient” shall mean organizations receiving funding from NYS OVS.

“VAP” shall mean Victim Assistance Program.

2. SCOPE OF WORK

2.1 Introduction

OVS invites applications for financial assistance to fund new attorney(s) positions for currently funded OVS VAPs or CACs. Attorneys are critical to assisting with the provision of comprehensive, victim-centered work. Crime victims have both civil legal needs and legal needs related to the criminal justice system.

The federal Department of Justice, Office of Justice Programs, Office for Victims of Crime's Vision 21: Transforming Victim Services Final Report notes the need to "support holistic legal assistance for crime victims." Vision 21 recognizes that there is an enormous gap in services available to meet both the criminal and civil needs of crime victims and states, "There is a lack of legal assistance to support crime victims with a wide range of legal issues that can arise following victimization, such as civil legal assistance, the enforcement of victims' rights in the criminal justice process, immigration relief for trafficking victims and battered women, and assistance with financial fraud or identify theft."

An overwhelming number of people with civil legal problems take no action to address them because they are unaware of available services, how to access them or do not think that anything can be done to help. Moreover, an inability to afford legal services and a lack of private attorneys who can work at low or no- cost are barriers to persons seeking such services. According to the New York State Permanent Commission on Access to Justice, 1.2 million New Yorkers had 3 or more civil legal problems in 2016 but only 37% of their needs were being met. In fact, by 2010 over 90% of New York State residents went to court without legal counsel. Indeed, the challenge for crime victims is even more pronounced, having to negotiate through a myriad of systems during a time when they are traumatized and overwhelmed. These systems can include family court, housing court, employment, immigration issues, and financial problems among many others. Additionally, due to fear, embarrassment, or lack of information, many victims fail to report their crimes and therefore are not being referred for legal and other services. Victims of specific types of crimes such as domestic violence involving undocumented immigrants, human trafficking, and elder abuse, may face even higher hurdles. As Vision 21 notes, crime victims in indigenous communities also presents a special challenge because Native Americans suffer significantly higher crime rates than the rest of the United States.

OVS recognizes the need of crime victims to have competent counsel to assist them in negotiating the complex legal issues that may arise from the victimization. Therefore, OVS responded to the need by obtaining a grant from OVC to develop a wrap-around legal services network to assist victims with comprehensive civil legal needs. See 2.2 A below.

Therefore, the goal of this solicitation is to address gaps in legal services identified in Vision 21 by funding attorneys at OVS-funded programs. An effective attorney can assess a crime victim's legal needs and then identify and assist in addressing them. This Request for Application (RFA) outlines how to apply for funding to support this position(s) in VAPs and CACs currently funded by the New York State Office of Victim Services. This RFA will support attorney salaries, associated fringe benefits, supervisory support, administrative and indirect costs and a non-personal service (NPS) allocation to support costs such as travel, computers, training, etc.

2.2 Required Roles and Trainings for Attorney(s)

Any attorney funded under this RFA must be a member in good standing with the bar of the State of New York and be licensed to practice in New York State.

All legal services provided under any contract awarded under this RFA must be for activities allowed under the federal Victim of Crime Act (VOCA). VOCA regulations allow for legal assistance services on non-emergency and emergency bases where reasonable and where the need for such services arises as a direct result of the victimization. Possible legal services that

could be funded under this RFA include but are not limited to: proceedings for protective/restraining orders or campus administrative protection/stay-away orders; family, custody, housing and dependency matters, particularly for victims of intimate partner violence, child abuse, sexual assault, elder abuse and human trafficking; immigration assistance for victims of human trafficking, sexual assault, and domestic violence; intervention with creditors, law enforcement, and other entities on behalf of victims of identity theft and financial fraud; intervention with administrative agencies/schools/colleges, tribal entities, and other circumstances where legal advice or intervention would assist in addressing the consequences of a person's victimization. These funds may also be used to allow victims to file a motion to vacate and/or expunge certain convictions based on their status of being a victim. **Costs for legal work for criminal defense and tort lawsuits are expressly prohibited.**

A. OVS Crime Victims Legal Network Referral Partner

OVS in conjunction with the Empire Justice Center, Pro Bono Net and the Center for Human Services Research at the University of Albany applied for and was awarded a federal grant to develop a comprehensive, collaborative approach to meeting the civil legal needs of crime victims in New York State. The approach to address this issue is the development of an on-line crime victims network designed to address the civil legal needs of crime victims. The initial scope of the project is all of New York State outside of New York City. The "New York Crime Victims Legal Help" (the name of the network website) is being piloted in three counties in western New York and will be rolled out across the rest of the state outside of NYC in 2019.

The Crime Victims Legal Network (CVLN) Project Overview

The cornerstone of the Project is the creation of a centralized online access point for crime victims to help identify legal issues, learn about their rights, and access self-help resources and targeted referrals. The CVLN is being designed with a 100% access vision, and will promote access to a full continuum of legal services available to crime victims, including self-help and do-it-yourself court forms, limited scope advice through court help centers and legal clinics, legal advice and representation through network partners, as well as pro bono services. The core components will include a robust website developed on the probono.net platform and offering a suite of features designed to meet the needs of crime victims. Some of the CVLN features will include: a triage/screening tool, Legal Services Help Directory, Self-Help Resource Library, Live Chat and Network Partner Advocate Gateway.

Through these features, crime victims can – alone or with an advocate – identify their victimization and the civil legal needs they might have, connect with online supports that can facilitate linkages to direct legal services, and access online, interactive forms to assist them in completing court forms and legal documents. These features, particularly the Network Partner Advocate Gateway, will also offer service providers with crime victimization related material and resources, and will support communication among legal providers to enhance the coordination and delivery of trauma-informed services to crime victims.

Any VAP/CAC awarded a contract under this procurement must agree to be a referral partner for the CVLN, which is responsible for the New York Crime Victims Legal Help website, and the attorney(s) funded under this grant (whether staff attorney(s) or via a contract) will be required to be their organization's point of contact, communicate, coordinate and collaborate with the CVLN once the website is operational to ensure that victims are receiving the most comprehensive response. The long-term success of the CVLN is an important OVS priority. Victim of Crime Act (VOCA) grant dollars supported the creation of the network and OVS intends to leverage VOCA dollars through this procurement to support the CVLN's ongoing success. The CVLN is intended to be an on-line resource for victims that has many resources

and self-help tools that a victim can navigate and use independently. However, recognizing that victims may only be able to progress so far in addressing their civil legal needs on their own, the CVLN will rely on partners to take client referrals. Partnerships with the CVLN by providers is key to providing the full scope of legal services to crime victims. While the referral component is not intended to be the focus of the CVLN, it is an important step to provide the full continuum of services. It is not expected that the time commitment for any one partner agency will be huge and there will be a process to refer ineligible clients elsewhere. Any services provided to victims or work performed in support of the CVLN may be accounted for in proposal budgets. Please see below for the expectations that will be made of referral partners.

1. Accept potential client referrals from the NY Crime Victim Legal Network and agree to:
 - o Screen and refer clients, if necessary;
 - o Provide advice and assistance;
 - o Offer limited scope representation; or
 - o Provide full legal representation.

Note: OVS recognizes that some users will be referred to an agency that can't help them or can't help them with all their legal problems; this range from refer to full representation should cover all possibilities.

2. Collect, maintain, and report data and statistics, as needed, to the CVLN administrators;
3. Maintain your organization's contact information that is on the CVLN website;
4. Attend meetings of the CVLN (this may be via webinar) as necessary; and
5. Welcome the opportunity to receive legal training through CVLN.

Note: The budget for the proposal under this solicitation may include a request for funding to participate in CVLN meetings and/or trainings, including all associated travel costs.

B. Required Training for Attorney(s) Hired Through this Funding.

Applicants must certify that within the first year of hiring an attorney(s) under any contract resulting from this solicitation the attorney(s) will have completed 15 hours of training related to holistic Victim Law and some portion of that training must be devoted to the neuroscience of trauma and its implication for legal representation of crime victims. OVS will make this training available within the required timeframes, but applicants may also elect to attend suitable training of their choice with OVS approval.

Note: The budget for the proposal under this solicitation may include a request for funding to support this training fully, including all associated travel costs. Should the applicant secure legal services via a contract, rather than hire a staff attorney(s), the contractors must receive this training within a year of contract execution.

2.3 Eligibility

All VAPs and CACs which are currently funded by the Office of Victim Services are eligible to apply under this RFA. Please see Attachment 1 for a complete list of the VAPs and CACs. **Applicants are encouraged to submit one application that includes the total number of requested attorney(s) and all other related expenses, regardless of the number of contracts held with OVS.**

3. SUBMITTING YOUR APPLICATION

3.1 Grants Gateway

All submissions must be submitted through Grants Gateway at <https://grantsgateway.ny.gov/> and received electronically by 2:00 p.m. EST on August 7, 2018.

Applications submitted directly to OVS will be returned un-opened.

PLEASE NOTE: *It is recommended that you complete your online application as early as possible prior to the application deadline to allow sufficient time to resolve unforeseen technical issues or questions that may arise. **Late filings will not be accepted or reviewed.** Timing of application submission is recorded via Grants Gateway and is a system-generated time stamp. Applicants will be considered either timely or late based on the system-generated time stamp. OVS has no discretion in this matter. Applicants are strongly encouraged to submit their on-line application well in advance of the deadline.*

3.2 Pre-Qualification

Not-for-profit organizations must ensure that their prequalification status is current by the application due date. Failure to do so will mean that their applications will not be reviewed. Not-for-profit organizations must maintain their pre-qualification status on a yearly basis by providing up-to-date IRS 900, CHAR 500 and audit review documents.

PLEASE NOTE: *Pre-qualification is recorded in Grants Gateway. An applicant is either pre-qualified or not pre-qualified. OVS has no discretion in this assessment. Applicants are encouraged to determine their pre-qualification status as soon as possible and to take action to ensure they are pre-qualified well before the application due date.*

Additional helpful information and links can be found at:

- www.grantsreform.ny.gov/grantees
- <https://grantsgateway.ny.gov>
- Grants Reform Videos (includes a document vault tutorial and an application tutorial) on YouTube: <http://www.youtube.com/channel/UCYnWskVc7B3ajjOVfOHL6UA>
- Grants Reform (Grants Gateway) Helpdesk/Technical Questions
 - Phone: 1-518-474-5595
 - Email: grantsgateway@its.ny.gov

3.3 On-line Application

Receipt of an application does not indicate that OVS has pre-determined a program's qualifications to receive a grant award. Such determination will be made only after a complete evaluation of the application compared to specific requirements and qualifications in this RFA and ranked by a final score.

Applicants are encouraged to include all information that they deem pertinent to their application. Applicants may be requested to provide clarification based on the State's evaluation procedure. Any clarification will be considered a formal part of the Applicant's original application. If further clarification is needed during the evaluation period, OVS will contact the Applicant.

Note: OVS reserves the right to request any additional information deemed necessary to ensure that the Applicant is able to fulfill the requirements of the contract.

3.4 Workplan Overview

Applicants must submit the following information:

1. Project Summary (In the Work Plan)
2. Organizational Capacity (In the Work Plan)
3. Problem Statement (See Program Specific Question 1 in the Grants Gateway)
4. Project Details – Objectives, Tasks and Performance Measures: (In the Work Plan)
 - a. Objective: **Applicants must include, at a minimum, Objective 6 - Criminal/Civil Justice System Assistance.**
 - b. Tasks: The applicant must choose from the list of standard service deliverables that they intend to provide through this funding opportunity. **Applicants must include, at a minimum Task #10 – Criminal Advocacy/Accompaniment**
 - c. Proposed Services & Implementation. This information should be entered into the "Project Summary" section of the "Workplan Overview Form" which may be found in the "Work Plan: Grant Opportunity Defined" section in the Grants Gateway
 - d. Performance Measures: The full list of tasks may be found in the Grants Gateway under the "Workplan" section. When completing this section please indicate the number of times each task is performed annually and/or the number of victims served annually.

Note: All workplans must include, at a minimum, the following 1 objective and 1 task:

- **Objective 6 – Criminal/Civil Justice System Assistance**
 - **Task #10 – Criminal Advocacy/Accompaniment**

***Note* Stronger applications will have a significant number of services or tasks beyond the minimum requirement.**

5. Project Budget

Using the forms provided in the on-line application, prepare a detailed proposed budget of annual program costs for the first year. This solicitation is intended to fund attorney positions at OVS-funded VAPs and CACs. However, VAPs and CACs may choose to hire an attorney(s) via a contract rather than add to their staffing roster. Budgets and narratives must explain and justify how legal services will be provided to crime victims. Applicants should ensure that sufficient details are provided, that the budget is reasonable, appropriate for the number of positions to be funded or legal services to be secured via contract and in compliance with funding restrictions and limitations noted elsewhere in this RFA. The narrative, workplan and budget should be tied together in such a way that the funding request is supported by the workplan and justified through the narrative.

Do not list personal service costs under operating expenses. All personal service expenses need to be lined out in the budget under the personal services category. Additionally, positions funded or used as match must be listed on the Position Description Form.

OVS will allow for reasonable dollar amounts for travel and training in support of the CVLN.

Applicants must upload an excel spreadsheet containing the second-year, third-year, fourth-year and fifth-year budgets and explain any budget changes from year one. This document, Futurefunding.xls, can be found under the pre-submission uploads.

Please Note: Funding must be for a new Attorney position(s). Existing Attorney positions will not be funded through this RFA.

6. Budget Narrative (See Program Specific Question 2)

While the traditional limits for the amounts of funding that can be allocated to administrative, supervision and fiscal duties have been removed, applicants must provide a written justification for each budgeted item for which grant support is requested. Narratives should adequately explain why requested items are necessary and reasonable to delivering services. Include relevant details and supporting information. A brief narrative of the second-year, third-year, fourth-year and fifth-year budgets should also be provided. This RFA is intended to fund attorney position(s); however, requested funding can also include reasonable personal service costs for supervision and administrative costs. (Applicants must not list supervisory or administrative costs under operating expenses. Positions necessary for supervision or administration must be included under the personal services category and must be listed on the position description form.) Attorney services may also be provided through a contract rather than by adding staff to the applicant's roster. The rationale for legal service delivery, either by staff or contract, must be clearly explained and justified. **Please also include the full 5-year requested dollar amount in this narrative.**

7. Position Description Form

All applicants must complete the position description form for the position(s) to be supported with these funds, this includes attorneys, supervisors, administrative staff or any other staff receiving funds under this grant. Each position description form should clearly indicate the projected percent of time the employee is expected to perform each activity. For each position, the total percent of time must equal 100% even if the position is not entirely funded through this RFA. The location where the Attorney will be working should be noted. **The Position Description Form must be completed and uploaded into Grants Gateway.**

4. EVALUATION AND SELECTION PROCESS

4.1 Application Evaluation

The Application will be evaluated and scored based upon the criteria set forth in this Section. Applications will be evaluated for best value to the State.

There will be a two-step evaluation of each application after the Grants Gateway System automatically screens for the information below. Applicants will not be able to submit an application if these conditions have not been satisfied:

- Application was submitted on time. The deadline for application submission is **2:00 pm EST on August 7, 2018**.
- The applicant is an eligible organization as described in Section 2.3. You may also see Attachment 1.
- The applicant has submitted all required responses to the application questions.

Pass/Fail Evaluation

This evaluation will assess whether applications satisfy the minimum "pass/fail" criteria for funding consideration. All proposals will initially be screened by OVS reviewers to see if all required materials are submitted and if all pass/fail checks have been successful. Any application that does not meet each of the following criteria will be immediately disqualified from further review.

- Applicants must provide their current contract number with OVS as proof that they have a current contract.
- Applicants must certify that the organization applying for this funding will serve as a referral partner for the New York Crime Victims Legal Network and that funded Attorney(s) will be required to be their organization's point of contact, communicate, coordinate and collaborate with the CVLN once the website is operational to ensure that victims are receiving the most comprehensive response. **(Applicants must complete and upload the "Letter of Certification" Form into Grants Gateway as part of the on-line application to acknowledge this requirement.)**
- Applicants must certify that within the first year of hiring an attorney(s) under any contract resulting from this solicitation, the attorney(s) will have completed 15 hours of training related to holistic Victim Law and some portion of that training must be devoted to the neuroscience of trauma and its implication for legal representation of crime victims. **(Applicants must complete and upload the "Letter of Training Certification" Form into Grants Gateway as part of the on-line application to acknowledge this requirement.)**
- The application is complete when it includes:
 - Program Work Plan Section
 - Proposed Services & Implementation
 - Objectives, Tasks, & Performance Measures
 - Project Budget with Narrative
 - Problem Statement Section
 - Prequalification in Grants Gateway (if applicable).

- All successful applicants must demonstrate substantial financial support from sources other than the Office of Victim Services. This can be demonstrated when at least 25% of the program's funding in the year of, or the year preceding the award comes from such sources, which may include other federal funding programs. **(Applicants must upload the "Annual Funding from All Other Sources" Form into Grants Gateway as part of the on-line application to document other financial support.)**
- All successful applicants must demonstrate that they use at least (1) volunteer in their agency. **(Applicants Must Upload a Volunteer Form into Grants Gateway as part of the on-line application to document use of volunteers.)**

All applications that satisfy the pass/fail check will proceed to be reviewed by a panel of reviewers. Each application will be reviewed by 2 individuals. A standard rating tool will be used by all reviewers to score each application. The maximum score will be 50 points. Each category (Organizational Capacity, Problem Statement, Proposed Services and Implementation, Objectives, Tasks and Performance Measures and Budget) within an application will be scored and those category scores will be totaled for a combined overall score. The final score will be an average of the 2 reviewers' scores. Eligible applications will be ranked in order of overall final score from highest to lowest. Awards will be made to those applications receiving the highest final scores and continuing until available funds are exhausted, or all successful applications are funded.

4.1.1 Evaluation of Applications

1. Organizational capacity (10%): Provide a description of the organization, explaining the agency's experience in providing direct services to victims. Applicants should demonstrate their record of providing direct services to victims, state where services are provided, the scope of services, staffing and resources available to the victim population and current collaborative efforts with other community organizations that are in support of their programs. Strong applicants will describe how they promote, within the community, coordinated public and private efforts to assist victims. This element will be scored from the Program Work Plan section of the application.
2. Problem Statement (20%): One of the major keys to your application is the Problem Statement. Applicants should demonstrate the need for legal services at all locations for which they are requested. Gaps in services should be convincingly identified using examples of current problems which illustrate the need for legal services while being sure to protect victim confidentiality. Applicants are encouraged to show how the lack of attorneys on staff presents undue constraints on VAPs in their goals to assist victims. Strong applicants will persuasively describe what is preventing them from providing the best possible services and how an Attorney position(s) or legal services secured via a contract will enhance services. This element will be scored from the program specific questions that are found in the Grants Gateway.
3. Proposed Services and Implementation (30%): Applicant should describe the services and activities to be undertaken. How these services and activities address the gap in

services described in the Problem Statement should be clearly explained; include a justification for staff and resources. This element will be scored from the Program Work Plan section.

4. Objectives, Tasks and Performance Measures (20%): The Program Work Plan should identify all the objectives and performance measures that address the needs identified in the Problem Statement section, and the services and activities described in the Proposed Services and Implementation section. At a minimum, the proposal must include task 10, Criminal Advocacy/Accompaniment, under Objective 6 - **Criminal/Civil Justice System Assistance**. Stronger applications will have more services or tasks beyond the minimum requirement.

Additionally, the proposal must certify that the organization applying for funds under this RFA will serve as a referral partner for the New York Civil Legal Network and the Attorney(s) hired through this solicitation (whether a staff attorney or attorney hired via a contract) will be required to be their organization's point of contact, communicate, coordinate and collaborate with the CVLN once the website is operational to ensure that victims are receiving the most comprehensive response.

5. Budget, including Budget Narrative (20%) A detailed budget for the first year of the project must be complete and provide sufficient detail, be reasonable and appropriate for the number of positions to be funded or legal services to be secured via contract and be tied to the proposed project narrative. All funding requests should be fully justified.

Using the forms provided in the on-line application, prepare a detailed proposed budget of annual program costs for the first year. **Applicants must complete and upload an excel spreadsheet containing four tabs: one for the second-year budget, one for the third-year budget, one for the fourth-year budget and one for the fifth-year budget. Applicants must also explain any budget changes from prior years. This document, Futurefunding.xls, can be found under the pre-submission uploads.**

4.1.2 Tie Breaker

In the event that two or more of the applications have a tied score after final calculation of all categories, the application with the higher score in "Proposed Services & Implementation" will prevail.

4.2 Notification of Award

After the evaluation, all Applicants will be notified of awards and for successful applicants, that a contract will be forthcoming for execution. The original application and any additions or deletions to the application become part of the contract.

Public announcements or news releases pertaining to any contract resulting from this solicitation shall not be made without prior written approval from the Administering Agency.

5. ADMINISTRATIVE INFORMATION

5.1 Administering Agency

OVS is the administering agency for the State of New York through which VOCA Victim and Witness Assistance Grants are awarded across the State

5.2 Method of Award

This is a multiple award solicitation.

Each response will be evaluated based on the information submitted by the applicant connected to the categories referenced in section 4.1.1.

Upon determination of the best value applicants, a Grant Contract Agreement will be completed. This contract will be executed via the Grants Gateway to be forwarded for all necessary signatures and State approvals. Upon final approval, a fully executed copy will be available to the grant recipient via the Grants Gateway.

Awards may be made until all designated funds of \$250,000,000 have been exhausted. The \$250,000,000 is a five-year total amount.

5.3 Term of Contract

This contract will commence on October 1, 2018 and will be in effect for five (5) years.

5.4 Termination

The State of New York retains the right to cancel this contract for convenience, provided that the Grant Recipient is given at least thirty (30) days written notice of OVS' intent to cancel. Any cancellation by OVS under this section shall in no event constitute or be deemed a breach of any contract resulting from this Solicitation and no liability shall be incurred by or arise against OVS, its agents and employees therefore for lost profits or any other damages resulting therefrom. This provision should not be understood as waiving the State's right to terminate the contract for cause or stop work immediately for unsatisfactory work, but is supplementary to that provision.

5.5 Distribution of Grant Funds

Awarded grants will be eligible to receive one initial 25% advance payment in the initial year of the contract, if requested, and all subsequent payments will be on a quarterly reimbursement basis.

5.6 Grant Funding Conditions

Total funding available for the entire (5) five-year period shall not exceed \$250,000,000. These grant awards are funded by the federal Victims of Crime Act of 1984, which supports both victim compensation and victim assistance programs in each state. VOCA funds are administered by the Department of Justice. Projects will be supported with federal dollars.

Applicants may choose to either hire an individual to fill the Attorney Position OR hire an attorney via a contract to fulfill the Attorney duties.

All Agreements and funding are subject to the availability of funds. Funding is not guaranteed. Modifications or additional requirements may be imposed during the Agreement period. Please also take note of the following conditions:

All documents pertaining to this RFA can be found at <https://ovs.ny.gov/victim-assistance-program> under Attorney RFA.

5.6.1 Funding Purpose and Eligible Costs

These funds will be used to provide OVS-funded VAPs and CACs with an Attorney(s) for each of the (5) five years of the contract. The purpose of this procurement is to fund new Attorney position(s). Under VOCA regulations, applicants may **not** supplant the Attorney position with an existing employee, even if they are currently in an Attorney title.

5.6.2 Application Restrictions

- This RFA is intended to fund legal services for crime victims. Legal services may be provided by an attorney(s) hired to join the applicant's staff or through contracting with an attorney. The requirements to be a referral partner to the New York Crime Victims Legal Network and for the attorney(s) providing legal services to receive the training outlined in RFA Section 2.2 apply to hired staff attorney(s) or attorney(s) hired through a contract.
- Costs incurred prior to the issuance of an award by OVS under this RFA shall not be eligible for reimbursement.

5.7 Order of Precedence

The Order of Precedence for any Agreement resulting from this RFA is as follows:

- Master Contract
- Appendix A-1, Program Specific Requirements
- Appendix A-2, Federal Special Conditions
- Request for Applications
- Application
- Budget Form

5.8 Grant Recipient Responsibilities

The State will contract only with the successful Applicants who are the Grant Recipients. The Administering Agency considers the Grant Recipient the sole Contractor with regard to all provisions of the solicitation, and the contract resulting from the solicitation.

No subcontract entered into by the Grant Recipient shall relieve the Grant Recipient of any liabilities or obligations in this solicitation or the resultant contract. The Grant Recipient accepts full responsibility for the actions of subcontractors who carry out any of the provisions of any contract resulting from this solicitation.

All persons/contractors hired, paid and/or supervised by the Grant Recipient, shall be the Grant Recipient's employee or its subcontractor's employee and not the State's employee.

5.9 Liability

OVS shall not be held liable for any costs incurred by any party for work performed in the preparation of and production of an application or for any work performed prior to the formal execution of a contract.

5.10 OVS Inventory

Any equipment valued at \$1,000 or more purchased with funds provided by this Agreement shall be assigned a unique inventory number. OVS will provide the Recipient with inventory tags, which the Recipient must place on all equipment purchased with these funds.

5.11 Other Considerations

OVS reserves the right to:

- Reject any or all applications received with respect to this RFA;
- Waive or modify minor irregularities in applications received;
- Utilize any or all ideas submitted in the applications received unless those ideas are covered by legal patent or proprietary rights;
- Request additional information as deemed necessary to more fully evaluate an application;
- Amend the program's specifications after the release of this RFA, with appropriate written notice to all potential applicants by posting amendments on the Office's web site (www.ovs.ny.gov) with the RFA;
- Select only certain portions of applications for funding;
- Make all final decisions with respect to the amount of funding and the timing of payments to be provided to an applicant; and
- Negotiate the terms of the budget.

All applications submitted in response to this RFA will become the property of the New York State Office of Victim Services.

5.12 Special Conditions

By accepting an award from OVS under this RFA, the recipient agrees to comply with all of the special conditions outlined in Attachments A-1 and A-2.

5.13 Freedom of Information

All applications submitted and all related Agreements and reports may be subject to disclosure under the Freedom of Information Law.

5.14 Debriefing Procedures

Pursuant to section 163(9) (c) of the State Finance Law, any non-awarded applicant may request a debriefing regarding the reasons that the proposal submitted by the applicant was not selected for award. Requests for a debriefing must be made within fifteen (15) calendar days of written notification by OVS that the proposal submitted by the applicant was not selected for award. Requests must be submitted to ovsgrants@ovs.ny.gov.

5.15 Protest Procedures

Applicants who receive a notice of non-award may protest the award decision by filing a protest with OVS. All protests must be filed within ten (10) business days of receipt of a debriefing, or ten (10) business days of receipt of the notice of non-award, whichever is later. The protest letter must be submitted to ovsgrants@ovs.ny.gov. Please include the title of this solicitation in your correspondence.

OVS will review and consider the merits of the protest and will decide whether the protest is approved or denied. The applicant will be provided with written notification of the review decision within seven (7) business days of receipt of the protest. The original protest and decision will be filed with the Office of the State Comptroller (OSC) when the contract procurement record is submitted for approval and OVS will advise OSC that a protest was filed.

6. APPLICATION SUBMISSION

6.1 Matching Funds

Applicants, other than Native American programs as defined below, must provide a 20% match from non-federal sources. For Native American tribes or organizations on reservations, the matching requirement is 5%. This may be an in-kind or cash contribution or a combination of both.

Match is calculated by taking the VOCA award and dividing by .80 and subtracting the amount of the VOCA award from the figure obtained. The balance equals the required match (i.e., $\$30,000 / .8 = \$37,500$ less the $\$30,000$ award amount for a match totaling $\$7,500$).

Cash or "third party" contributions represent an applicant's cash outlay and may include non-federal money contributed by public agencies and institutions, private organizations and individuals. In-kind contributions represent the value of non-cash contributions provided for the benefit of the VOCA-funded project such as donation of office equipment, supplies, workspace and the monetary value of volunteer time spent performing VOCA-allowable services.

All matching contributions must be:

- Necessary and reasonable to accomplish the project's goals;
- VOCA-allowable and in accordance with all other federal and state requirements;
- Verifiable from the program's records;
- Not included as matching contribution for any other federal funds; and
- Not derived from other federal funding sources.

Matching contributions need not be applied at the same exact time or in proportion to the obligation of VOCA grant funds. However, by the third (3rd) quarter of each contract year, 75% of the required annual match requirement must be met. In the absence of meeting the match requirement by the third quarter, reconciliation will occur in the fourth (4th) quarter of the contract year.

Failure to provide the required match may compromise a recipient's eligibility and result in suspension or termination of future grant awards.

6.2 RFA Questions and Clarifications

All questions about the requirements contained in this RFA must be submitted via email by June 29, 2018 to:

ovsgrants@ovs.ny.gov

A list of questions about the RFA which are received from potential applicants, answers to those questions, as well as any changes, additions, or deletions to the RFA, will be posted at <https://ovs.ny.gov/victim-assistance-program> under Attorney RFA, along with the electronic version of this RFA, by 5:00 p.m. EST on July 6, 2018.

Applicants are urged to check the OVS website frequently during this application period for notices of any changes, additions, deletions or updates regarding the RFA.

All questions should cite the particular page and section where applicable. Please submit questions as early as possible following receipt of the RFA. The final deadline for submission of any questions/clarifications regarding this RFA is listed in Section 1.3 – Key Events. Questions received after the deadline may not be answered. OVS will post the responses to all questions on the OVS website <https://ovs.ny.gov/victim-assistance-program> on the date listed in Section 1.3 – Key Events.

6.2.1 Insurance Requirements

Successful applicants will be required to submit the following documents prior to contract execution:

- Vendor Responsibility Questionnaire
 - The awarded applicant may be subject to a vendor responsibility review prior to contract execution. Any applicant found not responsible by the Office of Victim Services may not be provided with funding pursuant to this RFA.
- Proof of Workers' Compensation & Disability Insurance
 - Workers' Compensation; Employer's Liability, and Disability Benefits meeting all New York State statutory requirements are required. If coverage is obtained from an insurance company through an insurance policy, the policy shall provide coverage for all states of operation that apply to the performance of the contract.
 - **PLEASE NOTE - ACORD forms are NOT acceptable proof of workers' compensation coverage.**

6.3 Application Preparation

All applications must be completed & submitted in the Grants Gateway. Applications submitted through other methods (postal mail, e-mail or fax) will **not** be accepted.

6.4 Instructions for Application Submission

All submissions must be received in the NYS Grants Gateway by 2:00 pm EST on August 7, 2018. Only those Applicants who furnish all required information and meet the mandatory requirements will be considered.

MAIL, E-MAIL OR FAX APPLICATION SUBMISSIONS ARE NOT ACCEPTABLE AND WILL NOT BE CONSIDERED.

The State of New York will not be held liable for any cost incurred by the Applicant for work performed in the preparation and production of an application or for any work performed prior to the formal execution and approval of a contract.

Applications must be submitted in the Grants Gateway on or before 2:00 PM EST on the date indicated in Section 1.3 - Key Events. Applicants assume all risks for timely, properly submitted deliveries.

***NOTE* Late Applications will NOT be accepted.**

7. CONTRACT CLAUSES AND REQUIREMENTS

7.1 Contract Terms

Any contract resulting from this Solicitation shall not be deemed executed, valid or binding unless and until approved in writing by the Attorney General and the Comptroller of the State of New York.

7.2 Indemnification

The Grant Recipient shall assume all risks of liability for its performance, or that of any of its officers, employees, subcontractors or agents, of any contract resulting from this Solicitation and shall be solely responsible and liable for all liabilities, losses, damages, costs or expenses, including attorney's fees, arising from any claim, action or proceeding relating to or in any way connected with the performance of this Agreement and covenants and agrees to indemnify and hold harmless the State of New York, its agents, officers and employees, from any and all claims, suits, causes of action and losses of whatever kind and nature, arising out of or in connection with its performance of any contract resulting from this Solicitation, including negligence, active or passive or improper conduct of the Grant Recipient, its officers, agents, subcontractors or employees, or the failure by the Grant Recipient, its officers, agents, subcontractors or employees to perform any obligations or commitments to the State or third parties arising out of or resulting from any contract resulting from this Solicitation. Such indemnity shall not be limited to the insurance coverage herein prescribed.

8. OTHER IMPORTANT REQUIREMENTS FOR FUNDING

- All successful applicants must provide the direct services funded through this RFA at no charge as part of their executed contract.
- All successful applicants must provide a valid DUNS (Data Universal Numbering System) number in order to execute a contract.
- All successful applicants must be currently registered with SAM (System for Award Management) in order to execute a contract.
- All successful applicants must be prequalified in Grants Gateway by the RFA submission deadline. In keeping with this requirement, any application from a non-governmental nonprofit which has a status other than one of the following at the time and date that the application is due shall not be considered for funding: a) Document Vault Prequalified; b) Document Vault Prequalified Open; c) Document Vault Prequalified/In review, or d) Document Vault Open for PQS edits.
- All successful applicants must demonstrate substantial financial support from sources other than the Crime Victims Fund. This can be demonstrated when at least 25% of the program's funding in the year of, or the year preceding the award comes from such sources, which may include other federal funding programs. (Applicants must upload the "Annual Funding from All Other Sources" Form into Grants Gateway as part of the on-line application to document other financial support.) **This is a pass/fail element of this procurement.**
- All successful applicants must demonstrate that they use volunteers in their program. (Applicants Must Upload a Volunteer Form into Grants Gateway as part of the on-line application to document use of volunteers.) **This is a pass/fail element of this procurement.**
- All successful applicants will have completed all of the required elements of the RFA applications. **This is a pass/fail element of this procurement.**

Application Instructions

**VICTIMS OF CRIME ACT (VOCA) VICTIM ASSISTANCE PROGRAM:
ATTORNEY SERVICES**

Instructions

Helpful Hint: Remember to hit the "save" button frequently.

Helpful Hint: Applicant should NOT upload a password protected file anywhere within their application as this will break the generation of the application.

You may wish to print out the application and complete a paper version before applying through the Grants Gateway and adding the information on-line. The Gateway application will look different from the RFA document and applicants must take special care to fully answer the questions in Grants Gateway. Applicants should thoroughly read and understand: the VOCA regulations, as well as the OVS RFA, Application Instructions, and all associated Appendices. Applicants must prepare and submit a Project Narrative, Budget and all Other Forms as required by this RFA through the Grants Gateway. Applicants are encouraged to review the application before submitting it for completeness, accuracy and clarity, and be careful to ensure all pass/fail elements are addressed completely.

Applications can only be submitted by the individual(s) that has signatory authority on the Grants Gateway, which may be someone other than the individual completing the application. Applicants should be aware of who has this authority in their organization prior to starting the application to ensure that the application can be submitted by the published deadline. The Grants Gateway will not allow an application to be submitted after the due date and time. Applicants should allow sufficient time for unforeseen problems in submitting the application to ensure that the deadline is met. The deadline is a hard and fast system-based rule.

After you have completed and submitted your application, please click on the Application tab at the top of the screen to check the status to confirm that your application has been successfully completed. If successful, your status should state *"Assignment of Reviewers."* This is a critical step necessary to ensure your application was successfully submitted.

Project/Site Address

Please list the address for each site in which proposed services will be take place. Identify the county, and include the nine-digit zip code (00000-0000) for each site. Choose "N/A" for Regional Council and Agency Specific Region.

Program Specific Questions

Provide a response for all the sections that require a response. Responses can be typed and then uploaded into the application. Label all uploads with the Project Specific question number to make sure you are attaching your response to the correct question.

- **Project Title**

Please enter the name of your program.

- **Problem Statement (20%)**

Applicants should demonstrate the need for attorney services at all locations for which they are requested. Gaps in services should be convincingly identified using examples of current problems which illustrate the need for attorney services while being sure to protect victim confidentiality. Applicants are encouraged to show how the lack of coordinated attorney services presents undue constraints on VAPs in their goals to assist victims. Strong applicants will persuasively describe what is preventing them from providing the best possible services and how an attorney position will enhance services. This element will be scored from the program specific questions that are found in the Grants Gateway.

- **Project Budget Narrative (20%)**

Provide a written justification for each budgeted item for which grant support is requested. Narratives should adequately explain why requested items are necessary and reasonable to delivering services. Include relevant details and supporting information. A brief narrative of the second-year through the fifth-year budgets should also be provided.

Project Budget

A detailed budget for the first year of the project must be complete and provide sufficient detail, be reasonable and appropriate for the number of positions to be funded and be tied to the proposed project narrative.

Using the forms provided in the on-line application, prepare a detailed proposed budget of annual program costs for the first year. Applicants must upload an excel spreadsheet containing four tabs: one for the second-year budget, one tab for the third-year budget, one tab for the

fourth-year budget and one tab for the fifth-year budget. Any budget changes from the previous year needs to be explained. This document can be found under the pre-submission uploads.

Any indirect costs charged to the grant should be included as a separate cost in the operating expenses budget category. If your agency has a negotiated rate, a copy of the Indirect Cost Rate Agreement must be uploaded with your application.

Applicants may use an amount up to the ten percent (10%) De Minimis rate of their Modified Total Direct Costs (MTDC) base. MTDC includes the cost of salaries, wages and fringe benefits of personnel that work directly on the project, and other operational costs such as materials, supplies, services, and travel that are directly related to the project.

The MTDC base cannot include equipment, capital expenditures, rental costs, charges for patient care, tuition remission, scholarships and fellowships, participant supports, or any Sub-awards, contracts, or consultant beyond the first \$25,000. Applicants who request indirect costs using the 10% De Minimis rate must maintain documentation of the costs included in the rate which will be subject to review during monitoring and audits.

Complete the De Minimis Rate Calculation Form to show your De Minimis calculation and to certify that you have NEVER had a negotiated federal cost rate and that you will apply the rate to all of your federal grants, not just the CAC grant received from the Office for Victims Services until such time as the agency chooses to negotiate for a rate.

HELPFUL HINT:

Using the 10% De Minimis rate requires a clear understanding of how to calculate the rate. Basic information about calculating the 10% rate is included in *2 CFR 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements* (Uniform Guidance). Agencies should consider consulting a financial professional who is knowledgeable about this federal requirement before deciding whether to request this budget item. Some agencies may find it easier to request a pro-rated amount of direct expenses (e.g. a pro-rated amount of salaries, supplies & operating, etc.) and include this in their grant request.

As described in Section §200.403 of the Uniform Guidance, factors affecting allowability of costs, costs must be consistently charged as either indirect or direct costs, but **may not be double charged** or inconsistently charged as both. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as the agency chooses to negotiate for a rate.

Work Plan

- **Work Plan Dates**

Enter **10/01/18-09/30/23**, which is the five-year contract term.

- **Project Summary**

Applicant should describe the services and activities to be undertaken with grant dollars, where and when they will take place and who will be served. How these services and activities address the gap in services described in the problem statement should be clearly explained; those applicants that convincingly demonstrate how the proposed services will address the need and gaps in services will be rated highly. Justification for staff and resources should be convincing.

- **Organizational Capacity (10%)**

Provide a description of the organization, explaining the agency's experience in providing direct services to victims. Applicants should demonstrate their record of providing direct services to victims, state where services are provided, the scope of services, staffing and resources available to the victim population and current collaborative efforts with other community organizations that are in support of their programs. Strong applicants will describe how they promote, within the community, coordinated public and private efforts to assist victims. This element will be scored from the Program Work Plan section of the application.

- **Proposed Services and Implementation (30%)**

Applicant should describe the services and activities to be undertaken. How these services and activities address the gap in services described in the problem statement should be clearly explained; Include a justification for staff and resources. This element will be scored from the Program Work Plan section.

- **Objectives, Tasks and Performance Measures (20%)**

The Program Work Plan should identify all the objectives and performance measures that address the needs identified in the Problem Statement section, and the services and activities described in the Proposed Services and Implementation section. At a minimum, the proposal must include at least 1 task under the objective **"Criminal/Civil Justice System Assistance"** defined in the Overview of the Work Plan Statement of the RFA.

Additionally, the proposal must certify that the attorney(s) hired through this solicitation will serve as a referral partner for the New York State Crime Victims Legal Network (CVLN) and the attorney(s) will be required to be their organization's point of contact. In addition, the proposal must certify that the funded attorney(s) will be communicating, coordinating and collaborating with the CVLN once the website is operational to ensure victims are receiving the most comprehensive response.

The proposal must also certify that within the first year of hiring an attorney(s) under any contract resulting from this solicitation, the attorney(s) will have completed 15 hours of training related to holistic Victim Law and some portion of that training must be devoted to the neuroscience of trauma and its implications for legal representation of crime victims.

All workplans must include, at a minimum 1 task under the following objective:

- **Objective 6– Criminal/Civil Justice System Assistance**
 - **Task 10 – Criminal Advocacy/Accompaniment**

Performance Measure

Each Task requires a Performance Measure, and for the purposes of this application, the **Performance Measure Name** will be the same as the Task you have chosen from the standardized list, or any new task that you define. Please type in the name of the task. The **Integer** is the number of times each task (service) is to be performed and/or the number of victims to be served.

Pre-Submission Forms

This application also includes six Pre-Submission Forms, which are required, that must be completed and uploaded as part of this application. Additional instructions for their completion are on the forms.

- **Volunteer Form**

Use this form to show the use of a volunteer unless compelling reasons exist to waive this requirement and the OVS grants a waiver. (A "compelling reason" may include statutory or contractual provisions that bar the use of volunteers for certain positions or a lack of persons volunteering after a sustained and aggressive recruitment effort has been conducted or documented).

- **Annual Funding from All Other Sources Form**

Use this form to document and demonstrate that 25% of your financial support comes from sources other than the VOCA Crime Victims Fund.

- **Position Description Form**

If you are planning to hire attorney(s), you must complete a position description form that includes each position you propose to fund through this grant such as attorneys, supervisors and administrative staff. The completed Position Description Form must be completed & uploaded into Grants Gateway under "Pre-submission Uploads"

- **Futurefunding.xls**

An excel spreadsheet with four tabs that explains years' 2 through 5 budgets are required and must be uploaded into Grants Gateway.

- **De Minimis Rate Calculation Form**

An Excel spreadsheet to show your De Minimis calculation and to certify that you have NEVER had a negotiated federal cost rate and that you will apply the rate to all of your federal grants, not just the grant received from the Office for Victims Services until such time as the agency chooses to negotiate for a rate.

- **Letter of Certification**

The Applicant must certify that the attorney(s) hired through this solicitation will serve as a referral partner for the New York State Crime Victims Legal Network (CVLN) and the attorney(s) will be required to be their organization's point of contact. In addition, the proposal must certify that the funded attorney(s) will be communicating, coordinating and collaborating with the CVLN once the website is operational to ensure victims are receiving the most comprehensive response.

- **Letter of Training Certification**

The Applicant must also certify that within the first year of hiring an attorney(s) under any contract resulting from this solicitation, the attorney(s) will have completed 15 hours of training related to holistic Victim Law and some portion of that training must be devoted to the neuroscience of trauma and its implications for legal representation of crime victims.

Helpful Information/Links

- † www.grantsreform.ny.gov/grantees

- † Grants Reform Videos (includes a document vault tutorial and an application tutorial) on YouTube: <http://www.youtube.com/channel/UCYnWskVc7B3ajjOVfOHL6UA>

- † Grants Reform (Grants Gateway) Helpdesk
 - Phone: 1-518-474-5595
 - Email: grantsgateway@its.ny.gov
(Technical questions)

- † <https://grantsgateway.ny.gov>
Within the Grants Gateway
 - Training materials link will contain training documents and videos
 - Show help

- † Agate Help Desk
 - Phone: 1-800-820-1890
 - Email: helpdesk@agatesoftware.com
(Technical questions)

- † Questions regarding specific opportunities or applications should be directed to your funding agency.

ATTACHMENT 1 – Eligible Applicants

Current OVS Contract Holders

A New Hope Center Inc.
Advocacy Center Of Tompkins County
Alternatives For Battered Women Inc. (Willow Domestic Violence Center)
Barrier Free Living Inc.
Behavioral Health Services North
Beth Israel Medical Center
Bivona Child Advocacy Center
Brighter Tomorrows Inc.
Bronx County District Attorney
Bronx Independent Living Services Inc.
BronxWorks Inc.
Brooklyn Chinese American Assoc.
CAC Foundation Inc.
CAMBA Inc.
Catholic Charities Of Chemug Schuyler
Catholic Charities Of Fulton & Montgomery Counties
Catholic Charities Of Saratoga, Warren, And Washington Counties
Catholic Charities Of Schoharie County
Catholic Charities Of The Diocese Of Albany
Catskill Regional Medical Center
Cattaraugus Community Action Inc.
Cayuga Counseling Services Inc.
Cayuga County District Attorney
Cayuga Seneca Community Action Agency Inc
Center For Safety & Change, Inc.
Center For The Elimination Of Violence In The Family Inc.
Chances And Changes, Inc.
Chautauqua County
Child And Adolescent Treatment Services (BestSelf Behavioral Health, Inc.)
Child And Family Services Of Erie County
City Of Elmira
City Of Rochester, New York
Clinton County District Attorney
Common Justice, Inc.
Community Action Of Greene County Inc.
Community Agency For Senior Citizens, Inc.
Connect, Inc.
County Of Albany
County of Genesee
County Of Monroe
Crime Victims Assistance Center, Inc.

Current OVS Contract Holders

Crime Victims Support Services Of The North Bronx, Inc.

Crime Victims Treatment Center, Inc.

Crown Heights Jewish Community Council Inc.

Day One New York, Inc.

Delaware Opportunities Inc.

Domestic Violence And Rape Crisis Services Of Saratoga County

Dominican Women's Development Center

EAC, Inc.

East Harlem Neighborhood Based Alliance Corporation

Edwin Gould Services For Children And Families

Empire Justice Center

Equinox, Inc.

Erie County District Attorney

Erie County Probation Department

Family Counseling Center Of Fulton County, Inc.

Family Counseling Service Of The Finger Lakes, Inc.

Family Services Inc.

Family Services of Chemung County

Friends Of The Chautauqua County Child Advocacy Program

Fulton County District Attorney

Fund for the City of New York

Good Shepherd Services

Grace Smith House, Inc.

HANAC Inc.

Help Social Services Corporation

Herkimer County District Attorney

Hopes Door Inc.

Icahn School Of Medicine Of Mount Sinai

In Our Own Voices, Inc.

International Institute Of Buffalo, Inc.

Jamaica Service Program For Older Adults, Inc. (JSPOA)

Kings County District Attorney's Office

Korean American Family Service Center Inc.

Legal Aid Society Of Rochester NY

Legal Services NYC

Lewis County Opportunities, Inc.

Liberty Resources, Inc.

Livingston County

LSNY Bronx Corporation (Legal Services NYC - Bronx)

Madison County Sheriffs Office

McMahon/Ryan Child Advocacy Site, Inc.

Current OVS Contract Holders

Mechanicville Area Community Services Center Inc
Mental Health Association In Orange County Inc.
Mental Health Association Of Columbia-Greene Counties, Inc.
Mothers Against Drunk Driving
Mount Sinai Hospital
My Sisters Place, Inc.
Nassau County
Neighborhood Self Help By Older Persons Project, Inc.
New York Asian Women's Center Inc.(WomanKind)
New York County District Attorney's Office
New York Legal Assistance Group Inc.
Niagara Falls Memorial Medical Center
Niagara, County Of
North Brooklyn Coalition Against Family Violence, Inc.
Northeast Health Foundation, Inc.
Northwest Buffalo Community Center Inc.
NYC Alliance Against Sexual Assault
NYC Department For The Aging
NYC Gay & Lesbian Anti Violence Project
NYC Health & Hospital Corporation: Bellevue
NYC Health & Hospital Corporation: Harlem
NYC Health & Hospital Corporation: Jacobi
NYC Health & Hospital Corporation: Lincoln
NYC Health & Hospital Corporation: Metropolitan
NYC Health & Hospital Corporation: NCB
NYS Department of Corrections and Community Supervision
NYS Division Of State Police State Of New York
NYS Justice Center For The Protection Of People With Special Needs
NYS Sheriffs Association Institute, Inc.
Oneida County Sherrif's Office
Onondaga County District Attorney's Office
Ontario County
Opportunities For Otsego, Inc.
Orange County Probation
Orange County Safe Homes Project, Inc.
Orleans County
Oswego County Opportunities Inc.
Pace University
Parent Education Program, Inc.
Parents For Megan's Law, Inc.
Partnership for Ontario County, Inc.

Current OVS Contract Holders

Planned Parenthood Mohawk Hudson, Inc.
Planned Parenthood Of Central And Western NY Inc.
Planned Parenthood Of North Country New York Inc.
Planned Parenthood Of The Southern Finger Lakes, Inc.
Polish Community Center Of Buffalo, Inc.
Putnam County Department Of Social Services
Putnam/Northern Westchester Women's Resource Center
Queens County District Attorney
Queens Legal Services Corporation
Rensselaer County
Retreat Inc.
Richmond County District Attorney
Rochester Society For The Prevention Of Cruelty To Children
Safe Harbors Of The Finger Lakes Inc.
Safe Horizon Inc.
Sanctuary For Families, Inc.
Saratoga Center For The Family
Schenectady County District Attorney
Schuyler County
Seneca County Mental Health Department
SOS Shelter, Inc.
St. Lawrence Valley Renewal House For Victims Of Family Violence, Inc.
St. Regis Mohawk Tribe
Start Children's Center, Inc.
Steuben Church People Against Poverty, Inc.
Suffolk County District Attorney's Office
Suicide Prevention & Crisis Services Inc.
The Arab-American Family Support Center
The Children's Aid Society
The Kingsbridge Heights Community Center Inc.
The New York And Presbyterian Hospital
The New York Center For Children
The Safe Center LI Inc.
The Salvation Army
Ulster County
Unity House Of Troy Inc.
Urban Justice Center
Vera House Inc.
Victim Resource Center Of The Finger Lakes Inc.
Victims Assistance Center Of Jefferson County
Victims Information Bureau Of Suffolk Inc.

Current OVS Contract Holders
Violence Intervention Program Inc.
Warren County District Attorney's Office
Washington County District Attorney's Office
Wayne County
Westchester Community Opportunity Program, Inc.
Westchester County District Attorney's Office
Wyoming County
YWCA Of Cortland
YWCA Of Niagara, Inc.
YWCA Of Schenectady
YWCA Of The Mohawk Valley

ATTACHMENT 2 – Application Checklist

ATTACHMENT 2

New York State Office of Victim Services

Application Checklist for Victims of Crime Act (VOCA)

Attorney Services RFA

Organization Name:	
Existing State Contract Number:	
Program Name:	

Have you.....

Task	Check if Complete
Found your program listed in "Attachment 1 – Eligible Applicants"?	
Confirmed that you will be able to meet the match requirement, as per section 6.1 of the RFA?	
Verified that the authorized representative signed and dated the application?	
Signed the "Letter of Certification" and uploaded it into the Grants Gateway?	
Signed the "Letter of Training Certification" and uploaded it into the Grants Gateway?	
Provided a justification for all the items requested in the budget?	
Verified that you are prequalified in the Grants Gateway? (If applicable)	
Completed all elements of the application in the RFA?	
Indicated the number of times the task(s) under the required objective in the workplan will be performed annually? (see section 3.4 of the RFA)	
Completed & uploaded the Excel spreadsheet, Futurefunding.xls, containing 2nd through 5th year budgets, which explains any changes from prior years?	
Completed & uploaded the "Position Description Form" (PDF) that includes each position funded by this grant into the Grants Gateway?	
Completed & uploaded the "Volunteer Form" into the Grants Gateway?	
Completed & uploaded the "Annual Funding from All Other Sources" form into the Grants Gateway?	
Included this completed checklist in your submission?	