



**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
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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 there from. 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.**