

**TOWN OF HEMPSTEAD/CITY OF LONG BEACH  
LOCAL WORKFORCE DEVELOPMENT BOARD  
REQUEST FOR PROPOSALS  
FOR SECTOR-BASED BUSINESS SERVICES  
SECOND REQUEST**

**PROGRAM YEAR 2020, 2021 AND 2022  
April 1, 2021 THROUGH JUNE 30, 2023**

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## I. Introduction

This solicitation of proposals is being conducted by the Town of Hempstead Department of Occupational Resources (DOOR) on behalf of the Town of Hempstead Local Workforce Development Board (LWDB) in its capacity as the Grant Subrecipient/Fiscal Agent for the Town of Hempstead/City of Long Beach Local Workforce Development Area under the Workforce Innovation and Opportunity Act (WIOA) of 2014 and all related statutes and regulations. DOOR is requesting proposals from qualified organizations to provide **Sector-Based Business Services** in collaboration with the LWDB and the HempsteadWorks Business Services Team.

To be considered, the applicant must be an incorporated for-profit or non-profit organization, or a public agency, and have successfully provided workforce development services funded under federal or state legislation for a minimum of three (3) years. **Priority will be given to organizations who conduct WIOA program-related services that are allocable to the WIOA Administration Cost Category on an in-kind basis. A list of WIOA services that must be allocated to the Administration Cost Category is included as Addendum i.** The period of performance is April 1, 2021 through June 30, 2023. Contractual agreements negotiated pursuant to this RFP will commence upon execution and end on June 30, 2023, with options for renewal at the discretion of the Town of Hempstead Local Board.

Completed proposals must be received by DOOR no later than 4:30 P.M. on **Friday, April 16, 2021.**

## II. Background

### 1. HempsteadWorks Workforce Development System

In accordance with WIOA, the LWDB has implemented the **HempsteadWorks Workforce System**. The mission of the system is to:

- ◆ Ensure that skilled workers are available to employers;
- ◆ Help jobseekers find work;
- ◆ Foster economic development.

HempsteadWorks is designed to provide customers with workforce development services through a "One-Stop" delivery system. The One-Stop Partners of the system integrate their resources electronically and also through co-location of staff. The Web site of the system is: [www.hempsteadworks.com](http://www.hempsteadworks.com). Co-location of staff is accomplished by teams comprised of individuals from a variety of independent organizations. These individuals adhere to common standards and reporting formats contained in the One-Stop Operating System (OSOS) and the HempsteadWorks Quality Assurance Program (HWQAP).

## 2. WIOA References

Sec. 107(d) of the WIOA Statute, Public Law 113-128, cites the following among the enumerated functions of the LWDB:

“(d) FUNCTIONS OF LOCAL BOARD.— ...the functions of the local board shall include the following:...

(3) CONVENING, BROKERING, LEVERAGING.—The local board shall convene local workforce development system stakeholders to assist in...identifying non-Federal expertise and resources to leverage support for workforce development activities....

(4) EMPLOYER ENGAGEMENT.—The local board shall lead efforts to engage with a diverse range of employers and with entities in the region involved...

(B) to develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;

(C) to ensure that workforce investment activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and

(D) to develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.

(5) CAREER PATHWAYS DEVELOPMENT.—The local board, with representatives of secondary and postsecondary education programs, shall lead efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.

(6) PROVEN AND PROMISING PRACTICES.—The local board shall lead efforts in the local area to—

(A) identify and promote proven and promising strategies and initiatives for meeting the needs of employers, and workers and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), to the one-stop delivery system...”

Section 3(26) of WIOA provides the following definition of an “industry or sector partnership:

“(26) INDUSTRY OR SECTOR PARTNERSHIP.—The term “industry or sector partnership” means a workforce collaborative, convened by or acting in partnership with a State board or local board, that—

- (A) organizes key stakeholders in an industry cluster into a working group that focuses on the shared goals and human resources needs of the industry cluster and that includes, at the appropriate stage of development of the partnership—
- (i) representatives of multiple businesses or other employers in the industry cluster, including small and medium-sized employers when practicable;
  - (ii) 1 or more representatives of a recognized State labor organization or central labor council, or another labor representative, as appropriate; and
  - (iii) 1 or more representatives of an institution of higher education with, or another provider of, education or training programs that support the industry cluster; and
- (B) may include representatives of—
- (i) State or local government;
  - (ii) State or local economic development agencies;
  - (iii) State boards or local boards, as appropriate;
  - (iv) a State workforce agency or other entity providing employment services;
  - (v) other State or local agencies;
  - (vi) business or trade associations;
  - (vii) economic development organizations;
  - (viii) nonprofit organizations, community-based organizations, or intermediaries;
  - (ix) philanthropic organizations;
  - (x) industry associations; and
  - xi) other organizations, as determined to be necessary by the members comprising the industry or sector partnership.”

Section 134(d) of WIOA includes the following under its list of permissible employment and training activities:

- “(d) PERMISSIBLE LOCAL EMPLOYMENT AND TRAINING ACTIVITIES...
- (IV) activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology...
- (vii) activities—
- (I) to improve coordination between workforce investment activities and economic development activities carried out within the local area involved, and to promote entrepreneurial skills training and microenterprise services;
  - (II) to improve services and linkages between the local workforce investment system (including the local one-stop delivery system) and employers, including small employers, in the local area, through services described in this section...
- (ix) activities to provide business services and strategies that meet the workforce investment needs of area employers, as determined by the local board...which services—
- (I) may be provided through effective business intermediaries working in conjunction with the local board, and may also be provided on a fee-for-service basis or through the leveraging of economic development, philanthropic, and other public and private resources in a manner determined appropriate by the local board; and
  - (II) may include—
- (aa) developing and implementing industry sector strategies (including strategies

involving industry partnerships, regional skills alliances, industry skill panels, and sectoral skills partnerships);

(bb) developing and delivering innovative workforce investment services and strategies for area employers, which may include career pathways, skills upgrading, skill standard development and certification for recognized postsecondary credential or other employer use, apprenticeship, and other effective initiatives for meeting the workforce investment needs of area employers and workers;”

### **3. Regional Sector Partnership Development Grant Project**

In February 2017, the Long Island Sector Partnership for Healthcare and Social Assistance commenced work on a planning grant designed to illuminate key strategies that are required for the development, implementation, and sustainability of a regional industry sector initiative. The purpose of the sector initiative is to cultivate and sustain a highly competent, agile, and diverse workforce in the Healthcare and Social Assistance sector throughout Long Island, providing employers with the skilled workforce they need now and in the future and job seekers with a path toward long-term economic security.

The planning grant was funded by the U.S. Department of Labor through the New York State Department of Labor under its Sector Partnership National Emergency Grant (NEG). This grant was awarded to the Town of Hempstead Department of Occupational Resources (DOOR) on behalf of the Town of Hempstead Workforce Development Board in its capacity as the Grant Subrecipient/Fiscal Agent for the Town of Hempstead/ City of Long Beach Local Workforce Development Area under the Workforce Innovation and Opportunity Act (WIOA), and also on behalf of the LWDBs of the Town of Oyster Bay Consortium and of Suffolk County. After a competitive bidding process, the Hempstead Workforce Development Board partnered with Humanity 2.0 to initiate a planning process consisting of stakeholder meetings, research and discovery, and strategic recommendations that serve as the basis for a regional sector strategy that create a competitive and sustainable workforce.

Through its meetings and dialogue, the Partnership has formed new working relationships among its members and discovered new tools to assist jobseekers to attain credentials, acquire skills and market their qualifications. The **Regional Sector Partnership Development Grant Final Report** is filled with best practices, career development templates and guidance for the implementation of sector-based career pathways services in any industry. The full report may be accessed at:

[0d693e\\_036b1fde4b3e4d83b11ab8285df0ec15.pdf \(filesusr.com\)](https://filesusr.com/0d693e_036b1fde4b3e4d83b11ab8285df0ec15.pdf).

Below in italics is the **Executive Summary**.

*The Long Island Sector Partnership for Health Care and Social Assistance is a regional, forward-looking collaboration of public and private partners committed to advancing both the current and future workforce with access to quality education and training, relevant supportive resources, and careers with family-sustaining wages. To do this, the partnership focuses on the use of evidence-based career pathways that map a progressive approach to economic security, for the individual and the region alike. In the first part of this report, planning activities represent the initial steps of this partnership and outlines subsequent steps to move from aspiration to action.*

*In the second part of this report, implementation activities are described that occurred in the middle of 2018. To kick off this work, regional assets were documented and mapped to provide both a comprehensive and detailed review of the resources within the region that can support the sector. This asset map represents both stakeholder engagement and leveraged public resources that currently exist. The asset map begins on page 22 of this report.*

*In a series of facilitated meetings, stakeholder leaders from around the region developed consensus around key strategies that will support both the workforce and employers within the Health Care and Social Assistance sector. As a result of this work, this report includes some important key findings (which begin on page 33 of this report):*

- 1. Defined occupational priorities – stakeholder leaders helped define priority occupations as well as the key foundational competencies associated with those occupations.*
- 2. Career Pathways – to fill these priority occupations with a highly qualified and diverse workforce, stakeholder leaders developed consensus around the kind of career pathway tools that should be used in the region.*
- 3. Implementation and Sustainability – finally, to ensure that plans become reality, stakeholder leaders helped develop a guide for implementation and sustainability, including structure around stakeholder engagement and leveraging existing local, state, and federal resources.*

*These findings have applicability for job seekers, regardless of background, skill, ability, or aspiration. The tools that are included in this report are meant to support the job seeker from a holistic perspective and therefore address challenges and opportunities that are directly relevant to that job seeker. This means that these findings can and should address job seekers from all defined workforce populations, including special populations.*

*This report also outlines key steps (see page 67) that should commence as a result of the collective efforts described throughout this report. They include:*

- 1. Identify a backbone organization that can sustain the organized efforts of this partnership.*
- 2. Develop a group charter and common agenda that are part of the sustaining*

- efforts of this partnership.*
3. *Distribute and further define the asset map that is part of this report to create a dynamic resource that can be used now and in the future.*
  4. *Convene working teams that are described in the findings section of this report.*
  5. *Organize competencies and credentials so that employers, training providers, and job seekers alike understand what is required for an individual to be successful in his/her career.*
  6. *Define specifications for career pathway tools, including career portfolios, coaching, and mapping.*
  7. *Engage in progressive fund development activities to support the work of this partnership that may not be covered by existing workforce or community development funds.*
  8. *Further partner development efforts to ensure the resources of the region are fully engaged.*
  9. *Seek technical assistance where necessary to develop evidence-based tools that ensure the region develops a highly qualified and diverse workforce for this, and other, sectors.*

*These efforts, and indeed others, will support the long-term viability of this partnership and help create a sustained collaboration that can be a national model for workforce development. Together, the many members of this partnership can ensure that the Long Island region continues its path toward economic security and mobilization for all its citizens, leading to a world-class economy buoyed by qualified workers, progressive employers, and an engaged support network all committed to its common goals.*

### **III. Bidder's Conference**

DOOR will be holding a Bidder's Conference for organizations interested in submitting a proposal under this RFP. At the conference, prospective bidders will have the chance to learn more about this funding opportunity. Bidders will be provided with an overview of DOOR, qualifications of bidders, scope of services, and deliverables. The Bidders' Conference will be held on **Wednesday, February 17, 2021** via Zoom. To confirm your attendance and to receive Zoom login information, please email Elizabeth Ajasin at [eajasin@hempsteadworks.com](mailto:eajasin@hempsteadworks.com) by Friday, February 5, 2021.

### **IV. Contact Information**

Elizabeth Ajasin  
Town of Hempstead  
Department of Occupational Resources  
Hempstead Executive Plaza  
50 Clinton Street, Suite 400  
Hempstead, New York 11550  
(516) 485-5000  
[eajasin@hempsteadworks.com](mailto:eajasin@hempsteadworks.com)



**V. Selection Process**

Funding will be made available to applicants whose proposals represent the best overall value to the local workforce development area. The LWDB may award a contract for any and all parts of the proposal and may negotiate contract terms and conditions to meet program requirements consistent with this RFP. Applicants will be rated on a 100-point rating system, as indicated below:

Applicant Background, Qualifications and Experience	20 Points
Proposed Approach, Design, Innovation and Coordination	
– Scope of Services	35 Points
Intermediaries	5 Points
Proposed Staff	20 Points
Budget	20 Points
Total	100 Points

To be eligible to receive an award, a proposal must be fully completed, contain all required documentation, and achieve a minimum score of 70 points.

**VI. Applicant Information (Mandated)**

**A. Cover Sheet**

Name of Organization: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Title of Contact Person: \_\_\_\_\_

Name of Official Authorized to Sign Contract:  
\_\_\_\_\_

Title of Authorized Official: \_\_\_\_\_

Signature of Authorized Official: \_\_\_\_\_

Date of Signature: \_\_\_\_\_

## **B. Category of Applicant's Organization**

Please indicate the category below which best describes your organization by placing an "x" in the appropriate box. Please also provide the required Internal Revenue Service (IRS) identification information:

ITEM NUMBER	CATEGORY	IRS FEDERAL ID NUMBER
1.	Private-For-Profit	
2.	Non-Profit	
3.	Government Agency	

## **VII. Applicant Background, Qualifications and Experience (20 Points)**

1. Indicate the nature and mission of your business or organization. **(Mandated)**
2. Describe whether your organization has the financial resources, or has the ability to obtain them, to perform the proposed services. **(5 Points)**
3. Summarize your organization's record of fiscal integrity, business ethics, and fiscal accountability. **(5 Points)**
4. Provide evidence that your organization possesses the necessary organization, experience, accounting and operational controls, as well as technical skills to perform the work. **(5 Points)**
5. Describe the ability of your organization to perform the proposed services at a reasonable cost, as well as the ability to meet performance goals. **(5 Points)**

**VIII. Approach, Design, Innovation and Coordination – Scope of Work (35 Points)**

For both Section A and Section B below, next each service below, please check “yes” or “no” to indicate if your organization plans to provide the service. (Each positive response is worth 2 points.)

**Section A: WIOA**

#	Service (Conducted in coordination with Business Services Team)	Yes	No
1.	Arrange and facilitate meetings of local workforce development system stakeholders to assist in identifying non-Federal expertise and resources to leverage support for workforce development activities.		
2.	Engage with a diverse range of employers and with entities in the region.		
3.	Develop effective linkages, including the use of intermediaries, with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities.		
4.	Ensure that workforce investment activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers.		
5.	Develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.		
6.	Organize key stakeholders in various industry clusters into a working group, or groups that focus on the shared goals and human resources needs of the industry clusters.		
7.	Conduct activities in coordination with the Business Services Team to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology.		
8.	Improve coordination between workforce investment activities and economic development activities carried out within the local area involved, and to promote entrepreneurial skills training and microenterprise services.		
9.	Improve services and linkages between the local workforce investment system (including the local one-stop delivery system) and employers, including small employers, in the local area, through WIOA-funded services.		

10.	Conduct activities to provide business services and strategies that meet the workforce investment needs of area employers, as determined by the local board, which services— (I) may be provided through effective business intermediaries working in conjunction with the local board, and may also be provided on a fee-for-service basis or through the leveraging of economic development, philanthropic, and other public and private resources in a manner determined appropriate by the local board; and (II) may include— (aa) developing and implementing industry sector strategies (including strategies involving industry partnerships, regional skills alliances, industry skill panels, and sectoral skills partnerships); (bb) developing and delivering innovative workforce investment services and strategies for area employers, which may include career pathways, skills upgrading, skill standard development and certification for recognized postsecondary credential or other employer use, apprenticeship, and other effective initiatives for meeting the workforce investment needs of area employers and workers.		
11.	Develop job openings.		
12.	Develop On-the-Job Training, Customized Training, Incumbent Worker Training and Work Experiences, as appropriate.		
13.	Conduct hiring events.		
14.	Develop marketing material.		

**Section B: Long Island Sector Partnership**

#	Service (Conducted in coordination with Business Services Team)	Yes	No
1.	Develop, distribute and further define the asset map that is part of the <b>Regional Sector Partnership Development Grant Project Final Report</b> to create a dynamic resource that can be used now and in the future.		
2.	Convene working teams.		
3.	Organize competencies and credentials so that employers, training providers, and job seekers alike understand what is required for an individual to be successful in his/her career.		
4.	Define specifications for career pathway tools, including career portfolios, coaching, and mapping.		
5.	Continue to develop partnerships to ensure the resources of the region are fully engaged.		
6.	Create graphic depictions of career pathways and competency-based models.		

## Section C: Intermediaries (5 Points)

### Background

The web site [Workforce Intermediaries | Building Tomorrow, Today!](#) defines workforce intermediaries as follows “Workforce Intermediaries align employer need (retention and talent acquisition) to candidate preparation and training (career pathways).”

The web site [Workforce Intermediaries and Collaboratives | Local Workforce System Guide \(urban.org\)](#) describes the role of workforce intermediaries as follows “Workforce intermediaries...are organizations that bring together partners in the workforce system to identify workforce needs; plan, develop, and implement strategies; and raise funds to support these strategies.”

An example of collaboration with a workforce intermediary by the Long Island Workforce Development Boards is the **Connect Long Island Partnership**, which utilized the Long Island Forum for Technology (LIFT) as an intermediary. Connect Long Island was an unprecedented collaboration of organizations working to transform the economy of Long Island through business innovation and workforce talent development. Although initially implemented without a dedicated funding stream, two sources of funding emerged to drive the Connect Long Island initiative forward. One was a New York State Department of Labor Project **entitled Regional Economic Transformation Strategies through a Sector or Clustered Based Approach - Request for Proposals (RFP) Number 13N**, awarded to LIFT. The other was a **United States Department of Labor (USDOL) Regional Innovation Grant**, awarded to the Town of Hempstead/City of Long Beach LWDB. So successful was the project that the National Association of Workforce Boards recognized it with the **W.O. Lawton Business Leadership Distinguished Honoree Award**.

### Instructions:

List the potential intermediaries who might be engaged as part of your services and/or indicate if your organization intends to act as an intermediary, either independently, or in collaboration with other entities:

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**IX. Proposed Staff (20 Points)**

Include as “**Appendix "C"** a resume or summary of the qualifications of the staff person(s) to be assigned to perform the services proposed.

## **X. Budget (20 Points)**

Include an attachment labeled "**Item XI. - Budget,**" which includes the following information:

1. The aggregate price for the proposed services;
2. A line item breakdown of each element of the aggregate price for cost price analysis purposes;
3. An itemization of WIOA funds requested as reimbursement for WIOA services, along with a summary of the proposed services;
4. An itemization of non-WIOA funds offered on a cash or in-kind basis to support WIOA services and administrative expenses;
5. If the organization is classified as "non-profit," then documentation of the organization's legal non-profit status must be attached;
6. If the organization is classified as "for-profit," then its proposal must demonstrate the amount of profit it proposes to retain, with sufficient documentation to demonstrate whether or not this profit is reasonable.



**XI. Request for Proposals Documents Checklist (Mandated)**

Please place a check mark next to each required document to indicate that it is included with your application.

<b>Attachment</b>	
Cover Sheet	✓
Completed Proposal	
Appendix iii – Resumes of Staff	
Item X - Budget	
Signed Assurances	

## **XII. Assurances**

Include the following forms signed by the appropriate official of your organization:

1. Equal Employment Opportunity and Non-Discrimination Policy Statement
2. Grievance Procedure
3. Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace
4. Responsibility Questionnaire
5. Federal Certifications
6. Certification (Only required if contractor's chief executive officer does not sign contract)
7. Worker's Compensation insurance and Disability Benefits
8. Certificate of Insurance

**TOWN OF HEMPSTEAD WORKFORCE DEVELOPMENT BOARD (WDB)/  
DEPARTMENT OF OCCUPATIONAL RESOURCES (DOOR)  
EQUAL EMPLOYMENT OPPORTUNITY (EEO) AND  
NON-DISCRIMINATION POLICY**

- I. No person will be discriminated against on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief. Furthermore, no person will be excluded from participation in, denied the benefits of, or subject to discrimination under a Workforce Innovation and Opportunity Act (WIOA), Balanced Budget Act Welfare-to-Work (WtW) or Temporary Assistance to Needy Families (TANF) funded program, on the grounds of their citizenship, participation in WIOA, WtW, TANF, race, color, religion, sex, national origin, age, disability, political affiliation, or belief.
- II. The WDB and DOOR will not discriminate in the award of contracts on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, or citizenship.
- III. The WDB and DOOR will not discriminate on any prohibited grounds to: registrants, applicants, and eligible applicants/registrants; participants; applicants for employment and employees; unions or professional organizations that hold collective bargaining or professional agreements with the recipient; subrecipients that receive WIOA, WtW or TANF funds from the recipient; and members of the public including those with impaired vision or hearing.
- IV. WIOA, WtW and TANF financially assisted programs are equal opportunity programs and auxiliary aids and services are available upon request to individuals with disabilities.
- V. Services and information will be provided in languages other than English when there is a significant number or proportion of the population eligible to be served or likely to be directly affected by a WIOA, WtW or TANF financially assisted program or activity, that may need services or information in a language other than English.
- VI. The Town of Hempstead/City of Long Beach Local Workforce Development Area (LWIOA) Equal Opportunity (EO) Officer who will be responsible for transmitting complaints of discrimination to the Director of Civil Rights Center is listed below:  
  
Name: Sal Scibetta  
Address: Town of Hempstead  
Department of Occupational Resources  
50 Clinton Street  
Suite 400  
Hempstead, New York 11550  
Telephone Number: (516) 485-5000
- VII. DOOR will monitor the EO compliance status of its subrecipients and annually. Periodic on-site reviews of subrecipients will be conducted to assess their EO compliance posture, the results of which are communicated to the subrecipient in writing.

Received by \_\_\_\_\_  
(sign name)

\_\_\_\_\_  
(print name)

Date \_\_\_\_\_  
Rev. 05/23/05

**WIOA Title I Complaint/Grievance Procedure and Discrimination/Criminal Complaint Procedure**  
**Local Workforce Development Area Name: Town of Hempstead/City of Long Beach**

**Designated Grievance Officer:** Kurt Rockensies

Phone: 516-485-5000, ext. 1152

Email: krockensies@hempsteadworks.com

**Designated Hearing Officer:** Sal Scibetta

Phone: 516-485-5000, ext. 1205

Email: Scibetta@hempsteadworks.com

1. The process starts when a complaint/grievance is filed with the Grievance Officer. The officer must log the complaint, and review it to seek a resolution.
  - a. Note, while not required, customers are encouraged to file complaints using the Customer Complaint Information Form (Attachment C). This same form can be utilized to file complaints under the Title III Wagner-Peyser program and/or for discrimination complaints filed under Section 188 of the Workforce Innovation and Opportunity. Appropriate procedure should be followed when filing a complaint in those cases.
2. A hearing will be scheduled at least thirty (30) calendar days, but no more than forty-five (45) calendar days, from the filing of the complaint/grievance to provide the person or entity (Complainant) with an opportunity to present witnesses and other evidence.
  - a. Notice of the grievance hearing shall be in writing and include: the date, the time, and place of hearing; a statement of the law and regulations under which the hearing is to be held, and a short and clear statement of the complaint/grievance.
  - b. Note that if the Grievance Officer is successful in reaching an informal resolution with the Complainant prior to the date of the scheduled hearing, the scheduled hearing will be adjourned.
3. At the Local Area level, a written Decision must be issued to the Complainant by the Hearing Officer within sixty (60) calendar days of the filing of the complaint/grievance.
4. Complainants not in receipt of a written decision within sixty (60) calendar days of filing the complaint/grievance have the right to request a State Level review. Such a request must be filed within fifteen (15) calendar days from the date on which the Complainant should have received a written decision. The request for State Level Review must be filed with the State Level Grievance Officer. State level appeals must be submitted by certified mail, return receipt requested to:

State Level Grievance Officer  
New York State Department of Labor  
W. Averell Harriman State Office Building Campus  
Building 12, Room 440,  
Albany, New York 12240-0001

5. The Complainant also has the right to request a State Level review of an adverse decision issued by the Local Level Hearing Officer. Such request must be filed with the State Level Grievance Officer within ten (10) calendar days of receipt of the adverse decision.
6. State Level Review shall only proceed to the extent that a Local level hearing has been held, findings of fact made, and a decision rendered. If not, the State Level Grievance Officer shall return the complaint/grievance to the Local Level Grievance Officer with instructions on how to complete the review and hearing process.
7. To the extent that Local Level Hearing is complete, requests to review the Local Level Hearing decision shall be limited to any allegations of procedural errors or errors in interpreting or applying the law. Findings of Fact must occur at the Local Level. Any finding at the State Level indicating that errors were made at the Local Level in making Findings of Fact will be returned to the Local Level for further review.
8. If a State Level Review is requested, the State Level Grievance Officer shall investigate the complaint/grievance, seek resolution, and issue a written decision within sixty (60) calendar days of receipt of a request for a review by a Complainant.

9. A hearing will be scheduled at least thirty (30) calendar days, but no more than forty-five (45) calendar days, from the filing of the complaint/grievance.
  - a. Note that if the State Level Grievance Officer is successful in reaching an informal resolution with the Complainant prior to the date of the scheduled hearing, the scheduled hearing will be adjourned.
10. Complainants either not given a hearing or who did not receive a hearing decision within sixty (60) calendar days of requesting State Level Review, and which were not remanded back to the Local Level, have the right to request a Federal Level Review. Such a request must be filed within fifteen (15) calendar days from the date on which the Complainant should have received a written decision.
11. Complainants in receipt of a written State Level hearing decision, have the right to request a Federal Level Review. Such a request must be filed within ten (10) calendar days from the date on which Complainant received the written hearing decision. Such requests must allege either procedural violations or errors in interpreting or applying the law at the lower level hearing. Federal Level Appeals must be submitted by certified mail, return receipt requested, to the Secretary, U.S. Department of Labor, Washington, DC 20210, Attention: ASET. A copy of the appeal must be simultaneously provided to the appropriate ETA Regional Administrator (address below) and the opposing party.

U.S. Department of Labor Employment and Training Administration  
 25 New Sudbury St,  
 John F. Kennedy Federal Building, Room E-350  
 Boston, MA 02203

Discrimination Complaints

Applicants, participants, and staff alleging discrimination based upon race, national origin, citizenship, sex, age, color, political affiliation, religious belief, or retaliation must file their complaints directly with the United States Department of Labor, Office of Civil Rights, within 180 days of the occurrence of the allegedly discriminatory action. A complaint may be filed by official form, letter, telephone call, or visit to: Director, Office of Civil Rights, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N4123, Washington, DC, 20210. Complaints alleging discrimination on the grounds of handicap will be received and processed on the local level as part of the regular Workforce Development Area grievance process outlined above as "General Procedures."

Criminal Complaints

All information and complaints involving fraud, abuse, or other criminal activity shall be reported immediately to the United States Department of Labor, 200 Constitution Avenue, NW., Washington D.C. 20210. A duplicate notice should also be sent at the same time to the New York State Department of Labor, in care of State Representative, New York State Department of Labor, State of New York Department of Labor, Division of Employment and Workforce Solutions, 75 Varick Street, New York, New York 10003.

**WIOA/TANF Program Complaint Resolution Officer**

The WIOA/TANF Program Complaint Resolution Officer may be reached at the Department of Occupational Resources, 50 Clinton Street, 4th Floor, Hempstead, New York 11550, (516) 485-5000. The Grievance Officer will provide you with any forms or technical assistance which you may require in order to file or process a grievance or complaint. The WIOA Program Complaint Resolution Officer is also responsible for the receipt and resolution of complaints. If your complaint is not WIOA/TANF-related, it will be referred to the appropriate agency or agencies. Your complaint may also involve or entitle you to recourse from other state or federal agencies pursuant to other state and federal laws. To the maximum extent possible, the identity of a complainant will be kept confidential consistent with applicable law and a fair determination of the complaint. The making of a complaint will in no way affect your status or participation in or with the WIOA/TANF program. If you have any questions concerning this procedure or wish to file a complaint or grievance, please contact the WIOA/TANF Complaint Resolution Officer.

Date: \_\_\_\_\_  
 (sign name)

Received by: \_\_\_\_\_

## **CERTIFICATION REGARDING LOBBYING, DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Non-Procurement) and Government-wide Requirements for Drug-free Workplace (Grants)." The certification shall be treated as a material representation of fact upon which reliance will be placed with the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

### **1. LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal Grant or cooperative agreement;
- (b) If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

### **2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 84, Sections 85.105 and 85.110 -

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not, within a three-year period preceding this application and/or contract, had one or more public transactions, whether Federal, State or Local, terminated for cause or default; and been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted or otherwise criminally or civilly charged by a Government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph A(b) of this certification, and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE  
(GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 --

A. The applicant that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about--

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance program; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after having received notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 312A, GSA Regional Office Building No. 3), Washington, D.C. 20202-4571. Notice shall include the identification number of each affected grant.

Check here if there are any workplace on file that are not identified here.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certification.

NAME OF APPLICANT PROJECT NAME	PREAWARD NUMBER and/or
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE



## RESPONSIBILITY QUESTIONNAIRE 7/13/06

### Instructions:

Please complete this form answering every question. A "Yes" answer to questions 1-22 requires a written explanation attached to the questionnaire and submitted on company letterhead signed by an officer of the company.

### Questions:

Within the past five years, has your firm, any affiliate, any principal, owner or officer or major stockholder (10% or more shares) or any person involved in the bidding or contracting process been the subject of any of the following:

(1) a judgment or conviction for any business-related conduct constituting a crime under local, state or federal law including, but not limited to, fraud, extortion, bribery, racketeering, price-fixing, or bid collusion or any crime related to truthfulness and/or business conduct?

Yes \_\_\_ No \_\_\_

(2) a criminal investigation or indictment for any business-related conduct constituting a crime under local, state or federal law including, but not limited to, fraud, extortion, bribery, racketeering, price-fixing, or bid collusion or any crime related to truthfulness and/or business conduct?

Yes \_\_\_ No \_\_\_

(3) an unsatisfied judgment, injunction or lien obtained by a government agency including, but not limited to, judgments based on taxes owed and fines and penalties assessed by any local, state or federal government agency?

Yes \_\_\_ No \_\_\_

(4) an investigation for a civil violation for any business-related conduct by any local, state or federal agency?

Yes \_\_\_ No \_\_\_

(5) a grant of immunity for any business-related conduct constituting a crime under local, state or federal law including, but not limited to fraud, extortion, bribery, racketeering, price-fixing, or bid collusion or any crime related to truthfulness and/or business conduct?

Yes \_\_\_ No \_\_\_

(6) a local, state or federal suspension, debarment or termination from the contracting process?

Yes \_\_\_ No \_\_\_

(7) a local, state or federal contract suspension or termination for cause prior to the completion of the term of a contract?

Yes \_\_\_ No \_\_\_

(8) a local, state or federal denial of a lease or contract award for non-responsibility?

Yes \_\_\_ No \_\_\_

(9) an agreement to voluntary exclusion from bidding/contracting?

Yes \_\_\_ No \_\_\_

(10) an administrative proceeding or civil action seeking specific performance or restitution in connection with any local, state or federal contract or lease?

Yes \_\_\_ No \_\_\_

(11) a local, state or federal determination of a willful violation of any prevailing wage law or a violation of any other labor law or regulation?

Yes \_\_\_ No \_\_\_

(12) a sanction imposed as a result of judicial or administrative proceedings relative to any business or professional license?

Yes \_\_\_ No \_\_\_

(13) a denial, decertification, revocation or forfeiture of Women's Business Enterprise, Minority Business Enterprise or Disadvantaged Business Enterprise status?

Yes \_\_\_ No \_\_\_

(14) a rejection of a low bid on a local, state or federal contract for failure to meet statutory affirmative action or MWBE requirements on a previously held contract?

Yes \_\_\_ No \_\_\_

(15) a consent order with the New York State Department of Environmental Conservation, or a federal, state or local government enforcement determination involving a violation of federal, state or local government laws?

Yes \_\_\_ No \_\_\_

(16) an Occupational Safety and Health Act citation and Notification of Penalty containing a violation classified as serious or willful?

Yes \_\_\_ No \_\_\_

(17) a rejection of a bid on a New York contract or lease for failure to comply with the MacBride Fair Employment Principles?

Yes \_\_\_ No \_\_\_

(18) a citation, notice, violation order, pending administrative hearing or proceeding or determination for violations of

- federal, state or local health laws, rules or regulations
- unemployment insurance or workers' compensation coverage or claim requirements
- ERISA (Employee Requirement Income Security Act)
- federal, state or local human rights laws
- federal or state security laws
- federal INS and Alienage laws
- Sherman Act or other federal anti-trust laws?

Yes No

(19) a finding of non-responsibility by an agency or authority due to the failure to comply with the requirements of Tax Law Section 5-a?

Yes \_\_\_ No \_\_\_

#### **ADDITIONAL QUESTIONS**

(20) Has the vendor been the subject of agency complaints or reports of contract deviation received within the past two years for contract performance issues arising out of a contract with any federal, state or local agency? If yes, provide details regarding the agency complaints or reports of contract deviation received for contract performance issues.

Yes \_\_\_ No \_\_\_

(21) Does the vendor use, or has it used in the past five (5) years, an Employee Identification No., Social Security No., Name, DBA, trade name or abbreviation different from that listed on your mailing list application form? If yes, provide the name(s), FEIN(s) and d/b/a(s) and the address for each such company and d/b/a on a separate piece of paper and attach to this response.

Yes \_\_\_ No \_\_\_

(22) During the past three years, has the vendor failed to:

(a) File returns or pay any applicable local, state or federal government taxes?

Yes \_\_\_

No \_\_\_

If yes, identify the taxing jurisdiction, type of tax, liability year(s) and tax liability amount the company failed to file/pay and the current status of the liability: \_\_\_\_\_

(a) File returns or pay New York State Unemployment Insurance?

Yes \_\_\_ No \_\_\_

If yes, indicate the years the company failed to file/pay the insurance and the current status of the liability: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(23) Have any bankruptcy proceedings been initiated by or against the vendor or its affiliates within the past seven years (whether or not closed) or is any bankruptcy proceeding pending by or against the vendor or its affiliates, regardless of the date of filing?

Yes \_\_\_ No \_\_\_

If yes, indicate if this is applicable to the submitting vendor or one of its affiliates: \_\_\_\_\_

If it is an affiliate, include the affiliate's name and FEIN: \_\_\_\_\_

Provide the court name, address and docket number: \_\_\_\_\_

Indicate if the proceedings have been initiated, remain pending or have been closed: \_\_\_\_\_

If closed, provide the date closed: \_\_\_\_\_

### **CERTIFICATION:**

The undersigned: recognizes that this questionnaire is submitted for the express purpose of assisting the State of New York or its agencies or political subdivisions to make a determination regarding the award of a contract or approval of a subcontract; acknowledges that the State or its agencies and political subdivisions may in its discretion, by means which it may choose, verify the truth and accuracy of all statements made herein; acknowledges that intentional submission of false or misleading information may constitute a felony under Penal Law Section 210.40 or a misdemeanor under Penal Law Section 210.35 or Section 210.45, and may also be punishable by a fine of up to \$10,000 or imprisonment of up to five years under 18 USC Section 1001 and may result in contract termination; and states that the information submitted in this questionnaire and

The undersigned certifies that he/she:

- Has not altered the content of the questions in the questionnaire in any manner;
- Has read and understands all of the items contained in the questionnaire and any pages attached by the submitting vendor;
- Has supplied full and complete responses to each item therein to the best of his/her knowledge, information and belief;
- Is knowledgeable about the submitting vendor's business and operations;
- Understands that New York State will rely on the information supplied in this questionnaire when entering into a contract with the vendor; and
- Is under a duty to notify the procuring State Agency of any material changes to the vendor's responses herein prior to the State Comptroller's approval of the contract.

Name of Business Signature of Officer

Address Typed Copy of Signature

City, State, Zip Title

Principal place of business if different from address listed above (include complete address):

### **FEDERAL CERTIFICATIONS**

The funding for the awards granted under this contract is provided by the United States Department of Labor which requires the following certifications:

#### **A. NONDISCRIMINATION & EQUAL OPPORTUNITY ASSURANCE**

As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

- (1) Section 188 of the Workforce Innovation and Opportunity Act of 2014 (WIOA) which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age disability, political affiliation, or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I -financially assisted program or activity;

- (2) Title VI of the Civil Rights Act of 1964, as amended which prohibits discrimination on the basis of race, color, and national origin;
- (3) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- (4) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
- (5) Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that it will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I - financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

**B. BUY AMERICAN NOTICE REQUIREMENT**

The grant applicant assures that, to the greatest extent practicable, all equipment and products purchased with funds made available under the Workforce Innovation and Opportunity Act will be American made. See WIOA Section 505 – Buy American Requirements.

**C. SALARY AND BONUS LIMITATIONS**

In compliance with Public Laws 110-161, none of the federal funds appropriated in the Act under the heading ‘Employment and Training’ shall be used by a subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A-133. See Training and Employment Guidance Letter number 5-06 for further clarification. Where applicable, the grant applicant agrees to comply with the Salary and Bonus Limitations.

**D. VETERANS’ PRIORITY PROVISIONS**

Federal grants for qualified job training programs funded, in whole or in part, by the U.S. Department of Labor are subject to the provisions of the “Jobs for Veterans Act” (JVA), Public Law 107-288 (38 USC 4215). The JVA provides priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services. Please note that to obtain priority service, a person must meet the program’s eligibility requirements. Training and Employment Guidance Letter (TEGL) No. 5-03 (September 16, 2003) and Section 20 of the Code of Federal Regulations (CFR) Part 1010 (effective January 19, 2009) provide general guidance on the scope of the veterans’ priority statute and its effect on current employment and training programs. Where applicable, the grant applicant agrees to comply with the Veteran’s Priority Provisions.

**STATE CERTIFICATIONS**

**E. CERTIFICATION REGARDING "NONDISCRIMINATION IN EMPLOYMENT IN NORTHERN IRELAND: MacBRIDE FAIR EMPLOYMENT PRINCIPLES"**

In accordance with Chapter 807 of the Laws of 1992 the bidder, by submission of this bid, certifies that it or any individual or legal entity in which the bidder holds a 10% or greater ownership interest, or any individual or legal entity that holds a 10% or greater ownership interest in the bidder, either: (answer Yes or No to one or both of the following, as applicable.)

1. Has business operations in Northern Ireland:  
\_\_\_\_\_ Yes \_\_\_\_\_ No

If Yes:

2. Shall take lawful steps in good faith to conduct any business operations they have in Northern

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

\_\_\_\_\_ Yes \_\_\_\_\_ No

**F. NON-COLLUSIVE BIDDING CERTIFICATION**

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his or her knowledge and belief:

- 1. The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
- 2. Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
- 3. No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit to bid for the purpose of restricting competition.

I, the undersigned, attest under penalty of perjury that I am an authorized representative of the Bidder/Contractor and that the foregoing statements are true and accurate.

Signature of Authorized Representative \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

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**STANDARD CLAUSES FOR NYS CONTRACTS**

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, "the contract" or "this contract") agree to be bound by the following clauses which are hereby made a part of the contract (the word "Contractor" herein refers to any party other than the State, whether a contractor, licensor, licensee, lessor, lessee or any other party):

**1. EXECUTORY CLAUSE.**

In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

**2. NON-ASSIGNMENT CLAUSE.**

In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the previous consent, in writing, of the State and any attempts to assign the contract without the State's written consent are null and void. The Contractor may, however, assign its right to receive payment without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

**3. COMPTROLLER'S APPROVAL.**

In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y.

contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed \$85,000 (State Finance Law Section 163.6.a).

#### **4. WORKERS' COMPENSATION BENEFITS.**

In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

#### **5. NON-DISCRIMINATION REQUIREMENTS.**

To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

#### **6. WAGE AND HOURS PROVISIONS.**

If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law.

#### **7. NON-COLLUSIVE BIDDING CERTIFICATION.**

In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

#### **8. INTERNATIONAL BOYCOTT PROHIBITION.**

In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall

participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

#### **9. SET-OFF RIGHTS.**

The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of setoff any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

#### **10. RECORDS.**

The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, "the Records"). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term Page 2 June, 2006 specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

#### **11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION.**

(a) FEDERAL EMPLOYER IDENTIFICATION NUMBER and/or FEDERAL SOCIAL SECURITY NUMBER. All invoices or New York State standard vouchers submitted for payment for the sale of goods or services or the lease of real or personal property to a New York State agency must include the payee's identification number, i.e., the seller's or lessor's identification number. The number is either the payee's Federal employer identification number or Federal social security number, or both such numbers when the payee has both such numbers. Failure to include this number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or New York State standard voucher, must give the reason or reasons why the payee does not have such number or numbers.

(b) PRIVACY NOTIFICATION. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law.

(2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in

New York State's Central Accounting System by the Director of Accounting Operations, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

## **12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN.**

In accordance with Section 312 of the Executive Law, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. Contractor will include the provisions of "a", "b", and "c" above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the

Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State; or (iii) banking services, insurance policies or the sale of securities. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Governor's Office of Minority and Women's Business Development pertaining hereto.

## **13. CONFLICTING TERMS.**

In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

## **14. GOVERNING LAW.**

This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

## **15. LATE PAYMENT.**



Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

**16. NO ARBITRATION.**

Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

**17. SERVICE OF PROCESS.**

In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

**18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS.**

The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of State Finance Law §165. (Use of Tropical Hardwoods) which prohibits purchase and Page 3 June, 2006 use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State. In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in §165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

**19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES.**

In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

**20. OMNIBUS PROCUREMENT ACT OF 1992.**

It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts. Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development Division for Small Business  
30 South Pearl St -- 7th Floor  
Albany, New York 12245  
Telephone: 518-292-5220  
Fax: 518-292-5884  
<http://www.empire.state.ny.us>

A directory of certified minority and women-owned business enterprises is available from:  
NYS Department of Economic Development  
Division of Minority and Women's Business Development  
30 South Pearl St -- 2nd Floor  
Albany, New York 12245  
Telephone: 518-292-5250  
Fax: 518-292-5803  
<http://www.empire.state.ny.us>

The Omnibus Procurement Act of 1992 requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

- (a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;
- (b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;
- (c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and
- (d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

## **21. RECIPROcity AND SANCTIONS PROVISIONS.**

Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

## **22. PURCHASES OF APPAREL.**

In accordance with State Finance Law 162 (4-a), the State shall not purchase any apparel from any vendor unable or unwilling to certify that: (i) such apparel was manufactured in compliance with all applicable labor and occupational safety laws, including, but not limited to, child labor laws, wage and hours laws and workplace safety laws, and (ii) vendor will supply, with its bid (or, if not a bid situation, prior to or at the time of signing a contract with the State), if known, the names and addresses of each subcontractor and a list of all manufacturing plants to be utilized by the bidder.

CERTIFICATION

I hereby certify that the following is a true copy of resolution duly adopted by the Board of Directors of \_\_\_\_\_, a domestic corporation, at a meeting held on \_\_\_\_\_ 20\_\_\_\_, at which a quorum was present, that said resolution has not been rescinded or modified, and it still in full force and effect, that said resolution is not contrary to any provision in the Certificate of Incorporation or By-Laws of said corporation, and that said certification is made knowing that the Town of Hempstead Department of Occupational Resources at 50 Clinton St., Suite 400, Hempstead, New York, will rely upon this certification incident to the execution of any documents by \_\_\_\_\_ with respect to Contract No. \_\_\_\_\_ pertaining to \_\_\_\_\_

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RESOLVED, that \_\_\_\_\_ is hereby elected as \_\_\_\_\_ of \_\_\_\_\_ with full authority to enter into any agreement or transaction on behalf of the corporation.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Secretary)

(Seal)

Note. This form must be completed for all agreements that will be executed by an officer other than President or Superintendent.

### **Workers' Compensation Insurance and Disability Benefits**

Contracts awarded pursuant to this RFP will require the CONTRACTOR to secure and maintain Workers' Compensation Insurance and Disability Benefits as required by the State of New York for the life of this contract. In accordance with Workers' Compensation Law Sections 57 and 220(8), the contractor must be legally exempt from obtaining workers' compensation insurance coverage; or obtain such coverage from an insurance carrier; or be a Workers' Compensation Board approved self-insured employer or participate in an authorized group self-insurance plan. Proposals submitted in response to this RFP must include one of the following forms:

- (a) WC/DB-100, Affidavit for New York Entities with No Employees and Certain Out of State Entities, That New York State Workers' Compensation and/or Disability Insurance Coverage Is Not Required (Must be stamped as "received" by New York State Workers' Compensation Board); or
- (b) C-105.2 – Certificate of Workers' Compensation; or
- (c) SI-12 – Certificate of Workers' Compensation Self-Insurance.

In addition, proposals must include one of the following forms to DOOR:

- (a) DB-120.1 – Certificate of Disability Benefits Insurance; or
- (b) DB-155 - Certificate of Disability Benefits Self-Insurance.

**PROPOSAL REVIEW FORM – In-School Youth Program Services  
(For DOOR use only)**

Vendor: \_\_\_\_\_

<b>SECTION TO BE EVALUATED</b>	<b>TOTAL POINTS</b>	<b>POINTS AWARDED</b>
<b>Applicant Background, Qualifications and Experience</b>	<b>20</b>	
<b>Approach, Design, Innovation and Coordination – Scope of Work</b>	<b>35</b>	
<b>Intermediaries</b>	<b>5</b>	
<b>Proposed Staff</b>	<b>20</b>	
<b>Budget</b>	<b>20</b>	
<b>Amount Proposed: _____</b>		

**POINTS ACCUMULATED**

\_\_\_\_\_

*To be eligible to receive an award, a proposal must achieve a minimum score of 70 points.*

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

## **Addenda**

## **Addendum i – Cost Allocated to the Administration Cost Category**

Below are the activities that must be charged to the Administrative Costs Category, as required by Sec. 683.215 of the WIOA Final regulations:

**(a)** The costs of administration are expenditures incurred by State and Local WDBs, Regions, direct grant recipients, including State grant recipients under subtitle B of title I of WIOA, and recipients of awards under subtitle D of title I, as well as local grant recipients, local grant subrecipients, local fiscal agents and one-stop operators that are associated with those specific functions identified in paragraph (b) of this section and which are not related to the direct provision of workforce investment services, including services to participants and employers. These costs can be both personnel and non-personnel and both direct and indirect.

**(b)** The costs of administration are the costs associated with performing the following functions:

**(1)** Performing the following overall general administrative functions and coordination of those functions under title I of WIOA:

**(i)** Accounting, budgeting, financial and cash management functions;

**(ii)** Procurement and purchasing functions;

**(iii)** Property management functions;

**(iv)** Personnel management functions;

**(v)** Payroll functions;

**(vi)** Coordinating the resolution of findings arising from audits, reviews, investigations and incident reports;

**(vii)** Audit functions;

**(viii)** General legal services functions;

**(ix)** Developing systems and procedures, including information systems, required for these administrative functions; and

**(x)** Fiscal agent responsibilities;

**(2)** Performing oversight and monitoring responsibilities related to WIOA administrative functions;

**(3)** Costs of goods and services required for administrative functions of the program, including goods and services such as rental or purchase of equipment, utilities, office supplies, postage, and rental and maintenance of office space;

**(4)** Travel costs incurred for official business in carrying out administrative activities; and

**(5)** Costs of information systems related to administrative functions (for example, personnel, procurement, purchasing, property management, accounting, and payroll systems) including the purchase, systems development and operating costs of such systems.

**(c)**

**(1)** Awards to subrecipients or contractors that are solely for the performance of administrative functions are classified as administrative costs.

**(2)** Personnel and related non-personnel costs of staff that perform both administrative functions specified in paragraph (b) of this section and programmatic services or activities must be allocated as administrative or program costs to the benefitting cost objectives/categories.

**(3)** Specific costs charged to an overhead or indirect cost pool that can be identified directly as a program cost are to be charged as a program cost. Documentation of such charges must be maintained.

**(4)** Except as provided at paragraph (c)(1) of this section, all costs incurred for functions and activities of subrecipients, other than those subrecipients listed in paragraph (a) of this section, and contractors are program costs.

**(5)** Continuous improvement activities are charged to administration or program category based on the purpose or nature of the activity to be improved. Documentation of such charges must be maintained.

**(6)** Costs of the following information systems including the purchase, systems development, and operational costs (e.g., data entry) are charged to the program category:

**(i)** Tracking or monitoring of participant and performance information;

**(ii)** Employment statistics information, including job listing information, job skills information, and demand occupation information;

**(iii)** Performance and program cost information on eligible training providers, youth activities, and appropriate education activities;

**(iv)** Local area performance information; and

**(v)** Information relating to supportive services and unemployment insurance claims for program participants.

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## ADDENDUM ii – Public Notice

### NOTICE OF REQUEST FOR PROPOSALS FOR SECTOR-BASED BUSINESS SERVICES UNDER THE WORKFORCE INNOVATION AND OPPORTUNITY ACT FOR THE TOWN OF HEMPSTEAD/CITY OF LONG BEACH LOCAL WORKFORCE DEVELOPMENT AREA. SECOND REQUEST.

#### I. Purpose and Requirements

This solicitation of proposals is being conducted by the Town of Hempstead Department of Occupational Resources (DOOR) on behalf of the Town of Hempstead Workforce Development Board (LWDB) in its capacity as the Grant Subrecipient/Fiscal Agent for the Town of Hempstead/City of Long Beach Local Workforce Area, under the Workforce Innovation and Opportunity Act (WIOA) of 2014 and all related regulations. The scope of work to be performed includes assisting the HempsteadWorks Business Services Team in conducting activities cited in the WIOA Statute, Public Law 113-128, at Sec. 107(d)(3)(4)(B)(C)(D), (5) and (6)(A), and Sec. 134(d), as well as services related to the continued development and operation of the Long Island Sector Partnership, which was established under the Regional Sector Partnership Development National Emergency Grant (RSPDNEG) Project administered by DOOR. That project and the role of the Long Island Sector Partnership is described in the RSPDNEG Final Report, which can be accessed at: [0d693e\\_036b1fde4b3e4d83b11ab8285df0ec15.pdf \(filesusr.com\)](#). Applicants must submit a narrative and budget arranged to respond to the format provided in connection with this RFP, which can be accessed online at [www.hempsteadworks.com](http://www.hempsteadworks.com).

#### II. Submissions

**Completed proposals must be received by DOOR no later than 4:30 P.M. on Friday, April 16, 2021.** Except for good cause shown, proposals that are received after that date will be reviewed and kept on file for future funding consideration only should conditions warrant. Proposals should be submitted in sealed envelopes and addressed to: Elizabeth Ajasin, Planner, Town of Hempstead, Department of Occupational Resources, 50 Clinton Street, Suite 400, Hempstead, New York 11550. Applicants are advised that changes in the Local Workforce Area's Workforce System, both in terms of content and funding levels, may be required prior to or during its operation due to new or revised legislation. All parties to contracts are expected to adhere to any necessary changes. This RFP does not commit the LWDB or DOOR to award a contract to pay costs incurred in the preparation of a proposal in response to this request, or to procure or contract for services or supplies. The LWDB and DOOR reserve the right to accept or reject any or all qualified sources, or to cancel in part or in its entirety this RFP if it is in their best interests to do so. Any questions concerning this RFP should be directed to Elizabeth Ajasin by e-mail to [eajasin@hempsteadworks.com](mailto:eajasin@hempsteadworks.com).

In order to be considered, the applicant's organization must be an incorporated for-profit or non-profit organization, or a public agency, and have successfully provided workforce development services funded under federal or state legislation for a minimum of three (3) years. The period of performance is April 1, 2021 through June 30, 2023. Contractual agreements negotiated pursuant to this RFP will commence upon execution and end on June 30, 2023 with options for renewal at the discretion of the Town of Hempstead Local Board.

**ADDENDUM iii – Resumes of Staff**