

COUNTY OF ORANGE

REQUEST FOR APPLICATIONS FOR QUALIFIED INDIVIDUAL RELATED TO FAMILY FIRST PREVENTION SERVICES ACT

INTRODUCTION

1. The County of Orange ("County"), on behalf of its Department of Social Services ("OCDSS," which term may be included in references to the County herein) seeks applications from qualified organizations (individually, "Entity Applicant" and collectively, "Entity Applicants") and individuals (individually, "Individual Applicant" and collectively, "Individual Applicants") to serve as a Qualified Individual ("QI") for the purpose of conducting assessments of youth in foster care in accordance with the Federal Family First Prevention Services Act ("FFPSA") and corresponding New York State ("NYS") standards. Entity Applicants and Individual Applicants may be collectively referred to herein as "Applicants."
2. Questions about this Request for Applications ("RFA") can be submitted in writing to Irene Kurlander, Deputy Commissioner of OCDSS with the subject line "Questions Re: RFA for Qualified Individual related to FFPSA" via email to IKurlander@orangecountygov.com **by no later than 4:45 p.m. on, September 3, 2021.**
3. A completed "Application Form" (included in this RFA) together with the information and documentation specified in this RFA must be submitted to the attention of the Commissioner of OCDSS with the subject line "RFA for Qualified Individual related to Family First Prevention Services Act" via facsimile to (845) 291-4201 or via email to DaMiller@orangecountygov.com **AND** IKurlander@orangecountygov.com **by no later than 4:45 p.m., prevailing time, on September 10, 2021.**
4. The County reserves the right to award multiple contracts under this RFA to meet the needs of OCDSS.

BACKGROUND

1. The FFPSA, which was enacted as part of the Federal Bipartisan Budget Act of 2018, prioritizes family-based foster care over residential care by limiting federal reimbursement for certain residential placements and creates a congregate care setting referred to as a Qualified Residential Treatment Program ("QRTP"). Under the FFPSA, a child placed in a QRTP must be assessed within thirty (30) days of such placement by a QI to determine whether the child's needs can be met with family members, in a foster family home, and/or if the child's needs meet the criteria for a QRTP level of care. If the QI's assessment is not completed within that thirty (30)-day window, OCDSS will be prohibited from claiming Federal Title IV-E foster care maintenance payment for the duration of the child's placement in the QRTP.
2. OCDSS, as a Local Department of Social Services (LDSS), is required to facilitate the role and function of a QI in accordance with FFPSA and corresponding NYS requirements, which become effective September 29, 2021. To avoid any potential conflicts, the County seeks to contract with multiple individuals/entities to serve as a QI on behalf of OCDSS.

SPECIFICATIONS

1. Qualifications. To act as a QI, an individual must satisfy certain qualifications required by applicable Federal and NYS laws, rules, and regulations, each as may be amended from time to time, including, without limitation, those specifically set forth below.

(a) Professional Clinical Licensure. A QI **must have** current NYS professional clinical licensure as one (1) of the following: physician, psychiatrist, psychologist, nurse practitioner (NP), psychoanalyst, registered professional nurse (RN), clinical social worker (LCSW), marriage and family therapist (LMFT), mental health counselor (LMHC), master social worker (LMSW), or creative arts therapist (LCAT). **An Individual Applicant must submit a copy of his/her license. An Entity Applicant must submit a copy of the license for each of its staff who will act as a QI on its behalf.**

(b) Child Welfare Experience. A QI **must also have** at least two (2) years of experience in the child welfare field. Specifically, a QI must have worked for, or under contract with, a child welfare program in his/her the professional capacity as a licensed clinician within the last fifteen (15) years. Child welfare programs include, but are not limited to, a LDSS, voluntary authorized agency (VA), residential agency serving youth or families, community-based provider, and/or other entity that addresses issues of child safety as it pertains to abuse and neglect and provides or coordinates services for children and families to address challenges such as substance abuse, mental health, and domestic violence. **An Individual Applicant must submit proof that he/she possesses the required child welfare experience. An Entity Applicant must submit proof that each of its staff who will act as a QI on its behalf possesses the required child welfare experience.**

(c) Training.

(i) CANS Training. A QI must successfully complete all training requirements for use of the Child and Adolescent Needs and Strengths Assessment tool ("CANS") prior to the provision of services and provide verification of same. **Preference in the scoring of applications will be given to (i) any Individual Applicant who has already successfully completed such training and provides verification of same and (ii) any Entity Applicant that provides verification that one (1) or more of its staff who will act as a QI on its behalf has successfully completed such training.** Any Individual Applicant awarded a contract under this RFA who has not already successfully completed CANS training, and any staff member of any Entity Applicant awarded a contract under this RFA who will act as a QI on the Entity Applicant's behalf who has not already successfully completed such training shall successfully complete one (1) of the following virtual CANS training sessions, at the sole expense of the respective successful Applicants, and provide verification of such completion to OCDSS prior to the performance of any services under the contract:

(A) **Session A:**

Part I – Tuesday, September 21, 2021, from 9 AM to 12:30 PM

Part II – Wednesday, September 22, 2021, from 9 AM to 12:30 PM

(B) **Session B:**

Part I – Thursday, September 23, 2021, from 9 AM to 12:30 PM

Part II – Friday, September 24, 2021, from 9 AM to 12:30 PM

(ii) NYS Office of Children and Family Services ("OCFS") Training. A QI must also successfully complete all training required by OCFS and provide written verification of same. Any Individual Applicant awarded a contract under this RFA and any staff member of any Entity Applicant awarded a contract under this RFA who will act as a QI on the Entity Applicant's behalf shall complete one (1) of the following virtual OCFS training sessions, at the sole expense of the respective successful Applicants, and provide verification of such completion to OCDSS prior to the performance of any services under the contract:

(A) Session A:
Monday, September 20, 2021, from 9 AM to 12:30 PM

(B) Session B:
Wednesday, September 22, 2021, from 9 AM to 12:30 PM

(d) Driver License and Vehicle. A QI must have a valid driver license and vehicle in good working order as the QI must be able to drive to a child's location to perform the assessment.

(e) Background Check. A QI must, prior to performing services under a contract resulting from this RFA, successfully pass a NYS Statewide Central Register of Child Abuse and Maltreatment (SCR) clearance check and be fingerprinted and successfully pass a criminal background check. Such fingerprinting and checks shall be done at the sole expense of the respective successful Applicants awarded contracts under this RFA.

(f) Language Skills. Preference in the scoring of applications will be given to (i) any Individual Applicant who affirms that he/she is bi-lingual in English and Spanish and (ii) any Entity Applicant that affirms that one (1) of more of its staff who will act as a QI on its behalf is bi-lingual in English and Spanish.

3. Scope of Services.

(a) Assessment. A QI shall perform an assessment of a child referred by OCDSS to determine whether the child's needs can be met with family members, in a foster family home, and/or if the child's needs meet the criteria for a specified setting (see, NYS Social Services Law ["SSL"] §409-h(c)(i)-(iv)), including a QRTP level of care. **If not done prior to the child's placement in a QRTP, a QI must complete the assessment within thirty (30) days of the start of the child's placement in the QRTP.** A QI shall perform the following tasks as part of the assessment.

(i) Review the referral, previous assessments, and evaluations received for the referred child.

(ii) Assess the child's strengths and needs utilizing the CANS tool.

(iii) Interview the child (in-person), the child's family (including foster parent(s), guardian(s), and caretaker(s), as applicable), and the child's OCDSS caseworker and document the substance of each person's input.

(iv) Re-interview the child and his/her family and OCDSS caseworker, as necessary, and other appropriate individuals to obtain or clarify any information needed to complete

functional assessments and formulate child-specific short-term and long-term mental and behavioral health goals.

(v) Work in conjunction with OCDSS, the child's family and permanency team which may include appropriate biological family members, relative and fictive kin of the child, professionals who are a resource to the family of the child, including but not limited to, the teachers, medical or mental health providers who have treated the child, clergy, if applicable ("Team"), and staff of the QRTP if the child has already been placed, to gather information necessary to formulate a final determination. If the child is over the age of fourteen (14), the Team must also include the members of the permanency planning team for the child in accordance with 42 U.S.C. §675 and the NYS-approved Title IV-E State Plan and SSL §409-h.

(vi) Determine and provide recommendations regarding whether the needs of the child can be met with family members and/or through placement in a foster family home. If it is determined that the child's needs cannot be met with family members and/or through placement in a foster family home, the QI must document

(A) the reasons why the child's needs cannot be met by the family or in a foster home setting (**please note** that a shortage or lack of foster family homes shall not constitute circumstances warranting a determination that the needs of the child cannot be met in a foster family home);

(B) which congregate residential setting would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals specified in the child's permanency plan;

(C) why the recommended placement in a QRTP is the setting that will provide the most effective and appropriate level of care of the child in the least restrictive environment; and

(D) how that placement is consistent with the short-term and long-term mental and behavioral goals as specified in the permanency plan.

(vii) Provide written reports with recommendations as soon as possible **but no later than thirty (30) days of the child's placement in the QRTP.**

(viii) Provide the assessment, determination and documentation to the court, the child's parent or guardian, the child's attorney, and the parent/guardian's attorney, if applicable, and OCDSS no later than five (5) days following the completion of the assessment.

(ix) Provide a written summary detailing the assessment findings to OCDSS, redacting information necessary to comply with Federal and NYS confidentiality laws (*see*, SSL §409-h(2)) as soon as possible but no later than thirty (30) days.

(c) Other Responsibilities. A QI shall also perform additional tasks including those set forth below.

(i) Provide testimony, if necessary, for court hearings related to the placement of the subject child.

(ii) Conduct an updated assessment upon request of OCDSS for a child who remains in a QRTP during which the QI shall determine,

(A) whether the child's strengths and needs continue to support the determination that the child's needs cannot be met through placement with family members or in a foster family home;

(B) whether the placement in the QRTP continues to provide the most effective and appropriate level of care for the child in the least restrictive environment;

(C) whether the placement continues to be consistent with the short-term and long-term goals for the child, as specified in the permanency plan;

(D) the specific treatment or service needs that will be met for the child in the QRTP and the length of time the specific treatment or service needs are expected to be needed; and

(E) the efforts made to prepare the child to return home, or to be placed with a fit and willing relative, legal guardian, or adoptive parent, or in a foster family home.

(d) Confidentiality. All information received by a QI while performing the services is considered confidential and will be used only for the intended purposes of performing such services under a contract resulting from this RFA. A QI shall not use, disclose, or transmit such information to third parties without express, written consent authorizing such use, disclosure, or transmission. A QI shall undertake all appropriate measures to safeguard the confidentiality of such information to the extent required by all applicable Federal and NYS laws, rules, and regulations, as may be amended from time to time.

PRICING AND PAYMENT

1. For the satisfactory performance of services, a QI shall be entitled to compensation at an all-inclusive, set rate of \$2,000.00 per assessment. The County will not be responsible for any costs associated with any travel that may be required for performance of the services including, but not limited to, mileage, fuel, and tolls.

2. A QI must document all days and hours during which the services were performed on a detailed time log and submit same to OCDSS by the tenth (10th) day of the month immediately following the month in which such services were performed.

3. Compensation will be paid only for services satisfactorily performed and properly documented in

accordance with the terms and conditions specified in this RFA and the resulting contract.

TERM

1. The County anticipates that the term of each contract resulting from this RFA will be for a period of one (1) year ("Initial Term"). The County reserves the right, exercisable in its sole discretion, to renew and extend the contract term for up to three (3) additional periods of up to one (1) year each under the same terms and conditions set forth in the initial contract (each, a "Renewal Term" and collectively with the Initial Term, the "Term").

2. Upon expiration of the Initial Term or any Renewal Term, if elected by the County as stated above, the Term may be extended unilaterally by the County for an additional period of up to two (2) months under the same terms and conditions set forth in the initial contract including, but not limited to, quantities (prorated for such extension), prices, and delivery requirements. With the concurrence of the respective successful Applicants, such short-term extension may be for a period of up to three (3) months in lieu of the up to two (2)-month period.

GENERAL TERMS AND CONDITIONS

1. Procurement Lobbying Law Restricted Period for Communications. Pursuant to NYS State Finance Law §139-j and §139-k, this RFA includes and imposes certain restrictions on communications between County and all Applicants during the procurement process. Applicants are restricted from contacting other than designated staff from the earliest notice of intent to solicit offers through final award and approval of the procurement contract by the County Executive (referred to as "Restricted Period") unless it is a contact that is included among certain statutory exceptions set forth in NYS State Finance Law §139-j(3)(a). County employees are required to obtain certain information when contacted during the Restricted Period. The designated staff contact for this RFA is Irene Kurlander, Deputy Commissioner, telephone number (845) 291-4553. Applicants responding to this RFA must familiarize themselves with these NYS State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the Application Form.

2. Form of Contract. All successful Applicants awarded a contract under this RFA agree to execute a contract in substantially the same form as that provided with this RFA and in the timeframe, if any, indicated in this RFA.

3. Insurance Requirements. During the term of a contract resulting from this RFA, or longer if required, all successful Applicants shall maintain, at their respective expense, workers' compensation, disability, and liability insurance policies of the types and minimum coverages specified in the contract form provided with this RFA. Certificates of insurance evidencing all respective successful Applicants' compliance with these requirements shall be required prior to execution of a contract by the County.

4. Pay-to-Play Law. Please be advised that this solicitation is subject to Orange County Local Law 13 of 2013 the "Pay-to-Play Law," as amended. Pay-to-Play Forms will be provided with this RFA. Form A must be included with any application submitted in response to this RFA. Form B will be required only successful Applicants awarded a contract under this RFA. Applicants who fail to submit Form A will not have their applications considered. Form B is required for execution of a contract by the County.

SUBMISSION OF APPLICATIONS

1. Unless otherwise noted below, all Applicants responding to this RFA must submit one (1) signed original (as applicable to the document type) of each of the items set forth below.

(a) Completed and signed Application Form (included in this RFA).

(b) Qualifications. All Applicants must submit a completed and signed Attestation Form (included in this RFA) together with the following, depending upon whether applicant is an Individual Applicant or an Entity Applicant.

(i) Individual Applicants.

(A) Each Individual Applicant must provide his/her current resume/C.V. and copies of all licenses, certifications, and documentation necessary to verify that he/she possesses each of the qualifications identified in Section 1(a), (b), and (d) of the Specifications portion of this RFA.

(B) Any Individual Applicant who has already successfully completed CANS training as discussed in Section 1(c)(i) of the Specifications portion of this RFA must provide verification of same in order to receive preference in the scoring of his/her application.

(C) Any Individual Applicant who is bi-lingual in English and Spanish as discussed in Section 1(f) of the Specifications portion of this RFA must affirm same in his/her application in order to receive preference in the scoring of his/her application.

(ii) Entity Applicants.

(A) Each Entity Applicant must provide the current resume/C.V. and copies of all licenses, certifications, and documentation necessary to verify that each of its staff who will act as a QI on its behalf possesses each of the qualifications identified in Section 1(a), (b), and (d) of the Specifications portion of this RFA.

(B) Any Entity Applicant with one (1) or more staff member who will act as a QI on its behalf who has already successfully completed CANS training as discussed in Section 1(c)(i) of the Specifications portion of this RFA must provide verification of same in order to receive preference in the scoring of its application.

(C) Any Entity with one (1) or more staff member who will act as a QI on its behalf who is bi-lingual in English and Spanish as discussed in Section 1(f) of the Specifications portion of this RFA must affirm same in its application in order to receive preference in the scoring of its application.

(c) References. Provide contact information (entity name, contact person name, address, telephone number, and email address) for at least two (2) professional references that are familiar with Individual Applicant's or Entity's Applicant's performance of services that are the same or

substantially similar to the services identified in the Specifications portion of this RFA. References from governmental entities in NYS are preferable, but not required.

- (d) Completed and signed Disclosure of Prior Non-Responsibility Determinations ((included in this RFA – copy of instruction page not required).
- (e) Completed and signed Iran Divestment Act Certification (included in this RFA).
- (f) Completed and signed Certifications Regarding Lobbying (included in this RFA).
- (g) Completed and signed Pay-to-Play Forms (provided with this RFA). Form A must be submitted with the application in order to be considered for a contract award under this RFA. Form B is only required if a contract is awarded.
- (h) Completed Supplier Application Packet (required prior to contract for any Applicants that have not contracted with County in the last 12 months under its current individual/business entity name and identification number). The Supplier Application Packet is available at <https://www.orangecountygov.com/DocumentCenter/View/4424/Supplier-Application-Packet.pdf>.

BASIS OF AWARD

1. The County anticipates awarding multiple contracts under this RFA. Contracts awarded under this RFA will be made to responsible, responsive Applicants whose applications are determined to be in the best interest of the County and in accordance with NYS General Municipal Law §104-b, taking into consideration the following criteria.

CRITERIA	POINT RANGE
A. Qualifications Applicants submitting verification of successful completion of CANS training and/or affirmation of being bi-lingual in English and Spanish will receive preference in scoring.	0 – 80
B. References	0 – 20
TOTAL MAXIMUM POINTS AVAILABLE	100

2. Each application will be scored against each criterion above using the rating scale below, in accordance with the weight given to the applicable point range for that criterion.

CRITERIA	Points Awarded if Application Does Not Meet Criterion Requirements / Expectations	Points Awarded if Application Partially Meets Criterion Requirements / Expectations	Points Awarded if Application Meets Criterion Requirements / Expectations	Points Awarded if Application Partially Exceeds Criterion Requirements / Expectations	Points Awarded if Application Exceeds Criterion Requirements / Expectations
A	0	20	40	60	80
B	0	5	10	15	20

3. If the evaluator or evaluation team determines, at his/her/its sole discretion, that interviews are in the best interest of the County, responsive applications will be reviewed and scored as described above in a preliminary round to aid in determining whether all Applicants, or just those with top scoring applications, will be interviewed. If interviews are held, the same review and scoring process described above will be repeated for those Applicants interviewed, and any award(s) made will be based on that secondary scoring round.

4. The submission of an application in response to this RFA implies acceptance of the evaluation criteria and acknowledgment that subjective judgments must be made by the evaluator or evaluation team. The County reserves the right to waive any informality or reject any or all applications, with or without advertising for new applications, if in the best interest of the County.

ANTICIPATED RFA TIMELINE

- | | | |
|----|---------------------------------|--------------------|
| 1. | Request for Applications Issued | August 27, 2021 |
| 2. | Questions Due | September 3, 2021 |
| 3. | Applications Due | September 10, 2021 |

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APPLICATION FORM
**Request for Applications for Qualified Individual
Related to the Family First Prevention Services Act**

Individual/Business Name: _____

Individual/Business Address: _____

Name and Title of Contact Person (if a business): _____

Phone: _____

Fax: _____

Email: _____

The undersigned proposes to furnish and deliver the services described in this **Request for Applications for Qualified Individual Related to the Family First Prevention Services Act** and the responding application to the County of Orange, at an all-inclusive, set rate of \$2,000.00 per assessment.

The individual submitting this application on his/her own behalf or on behalf of the business entity noted above, certifies by his/her signature below that:

- he/she understands and has complied with the requirements of NYS State Finance Law §§139-j and 139-k and will continue to do so throughout the Restricted Period;
- he/she has read and understood the full Request for Applications cited above;
- he/she is duly authorized to submit this application on behalf of the business entity noted above.

Additionally, by submission of this application, the individual signing below on his/her own behalf or on behalf of the business entity noted above certifies, under penalty of perjury, that he/she or the business entity has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of NYS Labor Law §201-g.

By: _____

Date: _____

Name

Federal Tax ID Number

Title

DUNS Number, if applicable

ATTESTATION
Qualified Individual Meets Established Criteria

This serves as an attestation that the entity and/or individual(s) named below meets the Qualified Individual (QI) criteria established by New York State Office of Children and Family Services (OCFS).

If an Entity Applicant:

Name of Entity: _____

Name(s) of individual clinician(s) at entity who will act as a QI on behalf of the entity:

Clinician's Name: _____	Clinical License: _____
Clinician's Name: _____	Clinical License: _____
Clinician's Name: _____	Clinical License: _____
Clinician's Name: _____	Clinical License: _____
Clinician's Name: _____	Clinical License: _____
Clinician's Name: _____	Clinical License: _____

If an Individual Applicant:

Clinician's Name: _____ Clinical License: _____

OCFS QI requirements:

A QI must have a professional clinical license, in accordance with 14 NYCRR §823.6 and/or a social Work license in accordance with Title 8, Article 154, section 7704 of New York State Education Law **AND** at least two (2) years of experience in the child welfare field. To meet the requirement of two (2) years of experience in the child welfare field, a QI must have worked for or under contract with a child welfare program in their professional capacity as a licensed clinician for a minimum of two (2) years within the last fifteen (15) years. Child welfare programs include, but are not limited to, a local department of social services, a voluntary authorized agency, a residential agency serving children or families, a community-based provider, and/or other entity that addresses issues of child safety as they pertain to abuse and neglect and provides or coordinates services for children and families to address challenges such as substance abuse, mental health, and domestic violence.

- o Professional clinical licensure can include the following: physician, psychiatrist, psychologist, nurse practitioner, psychoanalyst, registered nurse, clinical social worker, marriage and family therapist, mental health counselor, master social worker, or creative arts therapist.

Note:

- QI cannot be employed by or associated with the Qualified Residential Treatment Program (QRTP) where the child is referred.
- QI cannot be the child's case manager or case planner as defined in 18 NYCRR §428.2.
 - o NYS regulations define case planning to include the ability to authorize and coordinate the provision of services.
 - o While the QI may evaluate and make recommendations regarding services for children in foster care in NYS, the QI may not authorize or coordinate the direct provisions of any services.
 - o However, the QI may conduct case assessment activities which are required in the context of case planning as per Social Security Act §471(a)(16).

ATTESTATION

I hereby certify, under penalty of perjury, that I am authorized to subscribe and submit this Attestation of behalf of the Entity Applicant or Individual Applicant named above. I further certify that the information contained in this Attestation is accurate, true, and complete in all material respects. I further certify that I understand all rules and requirements of an entity and/or individual(s) to facilitate the role of a QI.

By: _____
Name: _____

Date: _____
Title: _____

DISCLOSURE OF PRIOR NON-RESPONSIBILITY DETERMINATIONS

See instructions on next page before completing this form

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

Address:

Name and Title of Person Submitting this Form:

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle): No Yes

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle): No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle): No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below and attach additional pages as necessary.

Governmental Entity:

Date of Finding of Non-responsibility:

Basis of Finding of Non-responsibility:

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above names individual or entity due to the intentional provision of false or incomplete information? (Please circle): No Yes

6. If yes, please provide details below and attach additional pages as necessary.

Governmental Entity:

Date of Termination or Withholding of Contract:

Basis of Termination or Withholding:

Offeror certifies that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

By:

Signature

Date:

**Instructions for Completing the
Offeror Disclosure of Prior Non-Responsibility Determinations**

Background:

New York State Finance Law §139-k(2) obligates a Governmental Entity to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. This information must be collected in addition to the information that is separately obtained pursuant to State Finance Law §163(9). In accordance with State Finance Law §139-k, an Offeror must be asked to disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j or (b) the intentional provisions of false or incomplete information to a Governmental Entity. The terms "Offeror" and "Governmental Entity" are defined in State Finance Law §139-k(1). State Finance Law §139-j sets forth detailed requirements about the restrictions on Contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible Contact during the restricted period (for example, contacting a person or entity other than the designated contact person, when such contact does not fall within one of the exemptions).

As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether an Offeror fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with law, no Procurement Contract shall be awarded to any Offeror that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the Procurement Contract to the Offeror is necessary to protect public property or public health safety, and that the Offeror is the only source capable of supplying the required Article of Procurement within the necessary timeframe. See State Finance Law §§139-j(10)(b) and 139-k(3).

Instructions:

The County of Orange includes this disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of proposals, requests for quotes/applications, or bid documents or specifications or contract documents, as applicable, for procurement contracts. The attached form is to be completed and submitted by the individual or entity seeking to enter into a Procurement Contract, Supplemental or Change Order. This document must accompany each proposal, quote, application, or bid submitted by all Offerors.

IRAN DIVESTMENT ACT CERTIFICATION

The Iran Divestment Act of 2012 ("Act"), Chapter 1 of the 2012 Laws of New York, added State Finance Law (SFL), §165-a and General Municipal Law (GML) §103-g, effective April 12, 2012. Under the Act, the Commissioner of the New York State Office of General Services ("OGS") developed a list ("Prohibited Entities List") of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). In accordance with SFL §165-a(3), the Prohibited Entities List may be found on the OGS website at <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf>.

Pursuant to GML §103-g, by signing below, offeror certifies as true under the penalties of perjury that: By submission of this application each offeror and each person signing on behalf of any offeror certifies, and in the case of a joint application each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each offeror is not on the list created pursuant to paragraph (b) of subdivision 3 of SFL §165-a.

An application shall not be considered for award nor shall any award be made where the certification has not been made, provided, however, that if in any case the offeror cannot make the certification, the offeror shall so state and shall furnish with the application a signed statement which sets forth in detail the reasons therefor. The County may award a contract to an offeror who cannot make the required certification on a case-by-case basis if:

- 1) The investment activities in Iran were made before April 12, 2012, the investment activities in Iran have not been expanded or renewed after April 12, 2012, and the person has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
- 2) The County makes a determination that the goods and services are necessary for the County to perform its functions and that, absent such an exemption, the political subdivision would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

During the term of the contract, should the County receive information that a person is in violation of the above-referenced certifications, the County will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the County shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the contractor in default.

The County reserves the right to reject any application, contract, or request for assignment for an entity that appears on the Prohibited Entities List prior to the award or execution of a contract or any renewal thereof, as applicable, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities List after a contract award.

DATE

SIGNATURE

BUSINESS NAME

NAME

TITLE

CERTIFICATION REGARDING LOBBYING

The undersigned parties, to the best of his or her knowledge and belief, that:

- 1. 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 awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, or cooperative agreement.
2. If any funds other than Federal 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 contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosures Form to Report Lobbying", in accordance with its instructions.
3. The undersigned shall require that language of this certification shall be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreement) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

ORANGE COUNTY

Date: _____

STEFAN ("STEVEN") M. NEUHAUS, County Executive

CONSULTANT

Date: _____

Signature

Title

ACKNOWLEDGMENT FORM

STATE OF NEW YORK)

) SS.:

COUNTY OF)

On this ____ day of _____, 20____, before me personally came _____, to me known, who being duly sworn, did depose and say that (s)he resides in _____, and that (s)he is _____ of _____ the corporation described in and which executed the foregoing instrument; that (s)he knows the seal of said corporation; that the seal affixed to said instrument was such corporate seal; that it was so affixed by the order of the Board of Directors of said corporation, and that (s)he signed his name thereto by like order.

NOTARY PUBLIC
