



Jeanne B. Mullgrav  
Commissioner

## **FISCAL AGENT Request for Proposals**

**PIN: 26012FIAGRFP**

**RFP Release Date:** March 25, 2011

**Deadline for Proposals:** **2:00pm Friday, April 29, 2011**

**Return to:** **DYCD Procurement Office  
156 William Street, Second Floor  
New York, New York 10038**

**Attention:** **Michael Owh, Agency Chief Contracting Officer**

**Pre-Proposal Conference:** **April 6, 2011, at 2:00pm**

**Pre-Proposal Location:** **2<sup>nd</sup> Floor Auditorium  
Department of Youth and Community Development  
156 William Street  
New York, New York 10038**

**This Request for Proposals (RFP) must be obtained directly from the Department of Youth and Community Development (DYCD) in person or by downloading it from DYCD's web site, [www.nyc.gov/dycd](http://www.nyc.gov/dycd). If you obtained a copy of this RFP from any other source, you are not registered as a potential proposer and will not receive addenda DYCD may issue after release of this RFP, which may affect the requirements and/or terms of the RFP.**



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## **AUTHORIZED AGENCY CONTACT PERSONS**

The authorized agency contact persons for all matters concerning this Request for Proposals (RFP) are:

### **Procurement**

Michael Owh, Agency Chief Contracting Officer  
Office of Procurement  
Dept. of Youth and Community Development  
156 William Street, 2<sup>nd</sup> Floor  
New York, NY 10038  
Tel: (212) 513-1820  
Fax: (212) 676-8129  
E-mail: [RFPquestions@dycd.nyc.gov](mailto:RFPquestions@dycd.nyc.gov)

### **RFP Content and Procedures**

Nancy Russell, Project Director  
Planning, Research, and Program Development  
Dept. of Youth and Community Development  
156 William Street, 2<sup>nd</sup> Floor  
New York, NY 10038  
Tel: (212) 442-5914  
Fax: (212) 676-8160  
E-mail: [RFPquestions@dycd.nyc.gov](mailto:RFPquestions@dycd.nyc.gov)

**NOTE ON E-MAIL INQUIRIES: Proposers should enter “Fiscal Agent RFP” in the subject line of the e-mail.** DYCD cannot guarantee a timely response to phoned-in and written questions regarding this RFP received less than one week prior to the RFP due date.

Proposers should note that any telephone or written response that may constitute a change to the RFP will not be binding unless DYCD subsequently issues such a change as a written addendum to the RFP.

## SECTION I - TIMETABLE

**A. Release Date:**       **March 25, 2011**

**B. Pre-Proposal Conference:**

**Date:**                    Wednesday, April 6, 2011  
**Time:**                    2:00pm  
**Location:**               2<sup>nd</sup> Floor Auditorium  
                                  Department of Youth Community Development  
                                  156 Williams Street  
                                  New York, New York 10038

Attendance by proposers is optional but recommended by DYCD.

**C. Proposal Due Date and Time and Location:**

**Date:**                    **Friday, April 29, 2011**  
**Time:**                    **2:00pm**  
**Location:**               Hand deliver proposals to:  
                                  DYCD Procurement Office  
                                  Attention: Michael Owh, Agency Chief Contracting Officer  
                                  156 William Street, Second Floor  
                                  New York, New York 10038

DYCD will not accept e-mailed or faxed proposals.

Proposals received at this location after the proposal due date and time are late and shall not be accepted, except as provided under New York City Procurement Policy Board Rules, Section 3-03(f)(5).

In accordance with Section 3-03(f)(5), DYCD will consider requests made to the Agency Chief Contracting Officer to extend the Proposal Due Date and Time prescribed above. However, unless DYCD issues a written addendum to this RFP to extend the proposal due date and time for all proposers, the proposal due date and time prescribed above shall remain in effect.

**D. Anticipated Contract Start Date:**               **July 1, 2011**

**SECTION II - SUMMARY OF THE REQUEST FOR PROPOSALS**

**A. Purpose of the RFP**

The Department of Youth and Community Development (DYCD) is seeking an appropriately qualified organization to:

- Provide fiscal agent services, including but not limited to, accounting, disbursement and reporting, payroll, and other services to approximately 800 community-based organizations (CBOs) with DYCD contracts funded by City Council discretionary funds and valued at \$25,000 or less, and approximately five organizations that are required by DYCD to use a fiscal agent due to financial inadequacies, as well as about 25 other organizations that elect to avail themselves of these services.
- Process an estimated 1,000 stipends and other related payments annually to DYCD’s approximately 44 Neighborhood Advisory Boards (NABs) and the Community Action Board (CAB).

As part of its overall responsibilities, the contractor would maintain an automated system that will enable DYCD to comply with all applicable federal, State, and City regulations; develop a manual of fiscal procedure guidelines based on DYCD’s current Fiscal Agent Manual (see Appendix A<sup>1</sup>) and the selected proposer’s own internal standard accounting and payroll processing procedures. The Fiscal Agent Manual is to be utilized by all DYCD contractors receiving fiscal agent services; and the Fiscal Agent will provide each such contractor with training and assistance on those guidelines.

**B. Competitions**

There will be one citywide competition under this RFP. DYCD anticipates awarding one contract.

**C. Funding**

The maximum available annual funding for the contract awarded from this RFP is \$499,500.

The amount of \$30,000 will be held in escrow to cover payments made to the NAB/CAB members and other miscellaneous costs. This does not include fees to the fiscal agent.

The following chart presents the maximum funding amount that DYCD will consider for this award

	<b>Fiscal Agent Services Category</b>	<b>Maximum Funding</b>
A	Fiscal Agent Services to contractors	\$ 489,500
B	Stipend/fee payments	\$ 10,000
	Total:	\$ 499,500

**D. Anticipated Payment Structure**

It is anticipated that the payment structure of the contract awarded from this RFP will be based on a fee for service (*i.e.*, a schedule of fees for providing fiscal agent services and a fee per check for administering and processing stipend/fee payments, as described in Attachment 3).

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<sup>1</sup> DYCD’s Fiscal Agent Manual can also be accessed at [www.nyc.gov/dycd](http://www.nyc.gov/dycd).

## **E. Anticipated Contract Term**

The anticipated contract term will be for three years, from July 1, 2011 to June 30, 2014, with an option to renew for up to three additional one-year terms. Prior to contract award, DYCD reserves the right to determine the length of the initial contract term and each option to renew.

## **F. Contractor Qualifications**

For-profit and not-for-profit organizations are eligible for contract award.

## **G. Subcontracting**

Subcontracting is permissible under the following conditions:

- The proposer must identify any proposed subcontractor in the proposal.
- Agency assumptions regarding contractor approach as set out in Section III—Scope of Services and other sections of this RFP apply equally to any proposed subcontractor.
- All subcontractors and subcontracts shall be subject to DYCD approval before expenses are incurred and payments made.
- No more than 35 percent of the total value of the contract may be subcontracted.

## **H. Regulatory Requirements**

**Nondiscrimination.** The contractor shall provide services to all persons regardless of actual or perceived race, color, creed, national origin, alien or citizenship status, gender (including gender identity), sexual orientation, disability, marital status, arrest or conviction record, status as a victim of domestic violence, lawful occupation, and family status.

**Personnel Investigation/Arrest Notification.** The contractor must undertake appropriate background checks of all staff paid under any DYCD-funded program. Such checks will include verification of prior employment and references through direct contact by the contractor with former employers. The contractor will be required to provide rosters of all staff of the Fiscal Agent, whether funded directly by DYCD or otherwise. The contractor will be asked to verify the actual existence of claimed staff through an inspection by senior agency staff. Upon receipt of an award, the contractor shall comply with all federal, State, and City regulations with respect to investigation for criminal conviction histories of staff members (proposed or currently employed), including volunteers, including the requirement that all such persons in programs serving youth under the age of 21 be fingerprinted. Contractors shall comply with applicable State and federal regulations, including 42 U.S.C. §5119. Fingerprinting procedures have been developed by DYCD, the costs of which are reimbursable under the contract as part of the unit price. Youth staff (paid and volunteer) who are 17 years old or younger and who are still attending school are not required to be fingerprinted.

Such regulations, policies, and procedures shall also determine whether individuals with criminal conviction histories may continue their employment in providing Fiscal Agent services. In addition, the Fiscal Agent shall report any conviction or subsequent arrest of any staff member (paid or volunteer) of which it becomes aware to DYCD.

## **SECTION III: SCOPE OF SERVICES**

### **A. DYCD's Goals**

DYCD's goals are to ensure that applicable DYCD contracting organizations (DYCD contractors) receive high quality, efficient fiscal agent services and that stipend/fee payments are timely.

### **B. DYCD's Assumptions Regarding Service Approach**

DYCD's assumptions regarding the service approach that will best achieve the goals set out above are as follows:

#### **1. Contractor/Staff Qualifications**

- The contractor would have at least five years of successful and relevant experience.
- At least one principal of the contractor's firm shall be a Certified Public Accountant (CPA) in New York State.
- Each employee providing accounting services would have a B.A. degree or the equivalent and at least 24 credits in accounting.
- The contractor would possess a fidelity bond in the amount of \$2 million.
- The contractor would perform all services within the guidelines of DYCD's Fiscal Agent Manual (Appendix A).

#### **2. Targeted Service Recipients**

The contractor would provide appropriate fiscal agency services to:

- DYCD contractors mandated by DYCD to receive such services;
- DYCD contractors that elect to utilize such services;
- DYCD contractors with "stand alone" discretionary funded contracts valued at \$25,000 or less; and
- CAB and NAB members.

#### **3. Service Requirements**

- a. The contractor would provide to the targeted recipients accounting, disbursement and reporting, payroll, and other specified services as described below:
  - 1) Accounting Services – The contractor would provide copies of specific journals, ledgers, income statements, balance sheets, and other financial statements and data upon DYCD's request. All records submitted to and maintained by the contractor would be considered the property of DYCD and must be made available to DYCD upon request.
  - 2) Disbursement and Reporting Services – The contractor would perform disbursement and reporting functions in accordance with Generally Accepted Accounting Principles (GAAP). The contractor would within ten to fifteen working days of receipt of invoices and bills for authorized expenses from a DYCD contractor, review and process the documents and either (1) issue direct payment by the fifteenth day, or (2) reject and withhold payment for such bills and invoices and, within ten days, notify said DYCD contractor of such rejection or withholding of payment.

3) Payroll Services:

- The contractor would receive, review, and prepare all documents for the creation of the DYCD contractor's employee payroll.
- The contractor would develop and implement an efficient time sheet transmittal process.
- The contractor would maintain individual employee records of sick leave, annual leave, and compensatory time balances and provide them to the DYCD contractor upon request.
- The contractor would file all payroll taxes in a timely manner and respond to inquiries from taxing authorities.

4) Loan Services:

- The contractor would accept and disburse loan payments as required and directed by DYCD (approximately ten loans per year or less).
- The contractor would maintain a record of the loan transactions and only disburse funds as consistent with GAAP and upon the direction of DYCD.

5) Other Required Services:

- The contractor would develop a fiscal policy and procedures manual explaining the accounting and reporting standards for each DYCD contractor under its jurisdiction and train DYCD contractors on its use. This manual must conform to DYCD's established fiscal policies and procedures and would be subject to the review and approval of the Assistant Commissioner of Contract Agency Finance.
- The contractor would deliver to DYCD, upon its request, monthly computer backup disks, reports, records, and documents prepared in connection with this engagement.
- The contractor would deliver all fiscal records monthly to DYCD and maintain all fiscal records for six years after the conclusion of each fiscal year.
- The contractor would meet weekly with the Assistant Commissioner of Contract Agency Finance to discuss all issues pertaining to the fiscal agent services.

b. The contractor would administer and process, on behalf of DYCD, approximately 1,000 stipend/fee payments annually. The contractor would provide stipend/fee payments, including but not limited to the following:

- Members of the CAB – once per member per month
- Members of the approximately 44 NAB – once per member per month
- Administrative services support payments related to the CAB and NABs for miscellaneous items such as food, refreshments, and rental fees for sites

**D. Participation by Minority-Owned and Women-Owned Business Enterprises in City Procurement**

The contract resulting from this Request for Proposals will be subject to Local Law 129 of 2005, the Minority-Owned and Women-Owned Business Enterprise (M/WBE) program. Please refer to Attachment 6 for information on the M/WBE requirements established for this solicitation and instructions on how to complete the required forms. **Please note that the M/WBE requirement does not apply to proposals submitted by certified not-for-profit organizations.** Therefore, certified not-for-profit organizations are not required to submit a completed “Subcontractor Utilization Plan” nor the request form for a Pre-Award Waiver of DYCD’s established Target Subcontracting Percentage for this procurement, all of which are included in the attached Schedule B. Please be aware that the proposer must still comply with any and all additional City, State, and federal laws and regulations applicable to this procurement.

**Note:** If a proposer is not a certified not-for-profit organization, as fully explained in the Notice to Prospective Contractors – part of Attachment 6 – and it intends to file a waiver of the Target Subcontracting Percentage, the waiver must be submitted to DYCD at least seven days prior to the proposal due date and time in order to be timely considered.

**E. Compliance with Local Law 34 of 2007**

Pursuant to Local Law 34 of 2007, amending the City’s Campaign Finance Law, the City is required to establish a computerized database containing the name of any “person” who has “business dealings with the City” as such terms are defined in the Local Law. In order for the City to obtain necessary information to establish the required database, **vendors responding to this solicitation are required to complete the attached Doing Business Data Form (6) and return it with the proposal, and should do so in a separate envelope.** If the City determines that a vendor has failed to submit a Data Form or has submitted a Data Form that is not complete, the vendor will be notified by DYCD and will be given four calendar days from receipt of notification to cure the specified deficiencies and return a complete Data Form to DYCD. Failure to do so will result in a determination that the proposal is nonresponsive. Receipt of notification is defined as the day notice is e-mailed or faxed (if the vendor has provided an e-mail address or fax number), or not later than five days from the date of mailing or upon delivery, if delivered.

## **SECTION IV: FORMAT AND CONTENT OF THE PROPOSAL**

**Instructions:** Proposers should provide all information requested in the format below:

- The proposal, including attachments if appropriate, should be typed on both sides of 8½” x 11” white paper.
- Lines should be double-spaced with 1” margins, using 12-point font size.
- Pages should be numbered and include a header or footer identifying the proposer.
- Proposals should preferably not exceed 18 pages (9 sheets front and back), excluding requested attachments.
- The proposal should include a Table of Contents, placed directly following the Proposal Summary Form.
- The City requests that all applications be submitted on paper with no less than 30 percent post consumer material content, i.e., the minimum recovered fiber content level for reprographic papers recommended by the United States Environmental Protection Agency. (For any change to that standard please consult: <http://www.epa.gov/cpg/products/printing.htm>.)

### **A. Proposal Format**

#### **1. Proposal Summary**

The Proposal Summary (Attachment 1 transmits the proposer’s proposal to DYCD. It should be completed, signed, and dated by an authorized representative of the proposing organization.

#### **2. Technical Proposal**

The Technical Proposal is a clear, concise narrative, which addresses the following:

##### **a. Experience** (Preferable page limit: 3 pages, excluding requested attachments)

Describe the successful, relevant experience of the proposer in providing the services described in Section III – Scope of Services. In addition:

- 1) Attach a complete organizational chart of the entire proposing organization showing all job titles and relationships. Highlight all staff who will be supported by funds resulting from this contract.
- 2) For each staff person providing the proposed services cited in the organizational chart, provide a job description of the staff person’s role in the proposed service, including required skills and qualifications. Include resumes for personnel already identified for positions. Job descriptions and resumes should specifically address the following:
  - The experience of key staff in providing the services described in Section III – Scope of Services.
  - For each key staff person already identified, provide at least one specific example of his/her success in providing the services described in Section III – Scope of Services.
- 3) Attach a copy of the principal’s CPA License, as described in Section III – Scope of Services.

**b. Organizational Capability** (Preferable page limit: 3 pages, excluding requested attachments)

Demonstrate the organization's programmatic, managerial, and financial capability to perform the services described in Section III—Scope of Services of the RFP. Specifically address the following:

- 1) Describe the steps that will be taken to ensure that accounting operations will begin on July 1, 2011. Include a brief timeline outlining the activities for contract start-up.
- 2) Describe and demonstrate the success of the proposer's ability to provide the services described in Section III – Scope of Services – to organizations similar to DYCD.
- 3) Describe the proposer's ability to provide to the targeted recipients accounting, disbursement and reporting, payroll, and other specified services as described in Section III – Scope of Services, Section 3 – Service Requirements
- 4) Demonstrate the proposer's capacity to incorporate the proposed operation into the organization's overall operations. Describe how the proposed services and staff will relate to the overall organization.
- 5) Describe the proposing organization's internal monitoring system and demonstrate how it is effectively used to identify personnel and fiscal issues. Describe the corrective action procedures.
- 6) Describe the evaluation and quality improvement protocol that the contractor would implement to ensure continuous improvement of service delivery.
- 7) Describe how the proposing organization's Board of Directors will be involved in the proposed services. Describe how past services have been affected by board involvement. Complete Attachment 2, Corporate Governance Certification.
- 8) If the proposing organization is a CPA firm, attach a copy of the most recent Peer Review and indicate the period covered. If the proposing organization is not a CPA firm, attach a copy of the most recent financial audit of the organization conducted by a certified public accountant, indicating the period covered, OR, if no audit has been performed, the most recent financial statement certified by the proposing organization's Board of Directors, indicating the period covered and an explanation of why no audited financial statement is available. Financial audits covering time completely prior to calendar year 2008 will not be accepted as fulfilling this requirement.
- 9) List at least three relevant professional references to whom you have provided services similar to those described in Section III – Scope of Services, including the name of the organization and the name, title, and telephone number of a contact person.

**c. Technical Approach** (Preferable page limit: 10 pages, excluding requested attachments.)

- 1) Describe in detail the approach that the proposer will utilize to provide the services described in Section III – Scope of Services and demonstrate that this approach will fulfill DYCD’s goals and objectives.
- 2) Attach a schedule for completion of the fiscal policy and procedures manual and demonstrate that the proposer will comply with that schedule in a timely manner.
- 3) Demonstrate how the proposing organization’s information technology systems will assure timely payments and reporting.

**3. Price Proposal**

The price proposal is the funding requested for providing the services described in Section III – Scope of Services. It includes the following:

**a. Price Proposal Form (Attachment 3)**

In completing the Price Proposal Form, the proposer should use the following information:

- 1) The proposed fee for fiscal agent services should be based on the schedule of the estimated number of providers by “CBO contract dollar value category” as provided in the Transaction Chart (Appendix B). Please note that the Transaction Chart is based on distinct providers; some providers may be awarded more than one contract in which case the proposed fee paid will be based on the upper limit of the total contract value awarded to that provider.
- 2) The proposed fee per check for administering and processing stipends/fee payments should be based on the total number of transactions provided on the chart.

**b. Budget Justification** (Preferable page limit: 2 pages)

Justify how requested fees would be used to deliver the services. Proposers should ensure that the price proposal and justification are consistent with the proposed services.

**4. Doing Business Data Form**

The proposer should complete the Doing Business Data Form (Attachment 4) and return it with the proposal. The submission of a Doing Business Data Form that is not accurate and complete may result in appropriate sanctions.

**5. Participation by Minority Owned and Women Owned Business Enterprises in City Procurement**

If applicable, the proposer should complete Schedule B: Subcontractor Utilization Plan in Attachment 5.

## 6. Acknowledgment of Addenda

The Acknowledgment of Addenda (Attachment 6) serves as the proposer's acknowledgment of the receipt of addenda to this RFP, which may be issued by DYCD prior to the proposal due date and time. The proposer should complete this form as instructed on the form.

### B. Proposal Package Contents ("Checklist")

The Proposal Package should contain the following materials. Proposers should utilize this section as a checklist to assure completeness prior to submitting their proposals to DYCD.

1. The Proposal package should include **one original set and four duplicate sets** of all documents listed below, in the following order:
  - Proposal Summary Form (**Attachment 1**)
  - Technical Proposal
    - Table of Contents
    - Narrative
    - Organizational Chart
    - Resumes or Job Descriptions or both for key staff positions
    - CPA License (One copy only attached to the original.)
    - Corporate Governance Certification (**Attachment 2**)
    - Audit Report or most recent certified financial statement along with a statement as to why no audit report is available.
    - References for the Proposer
    - Schedule for completion of the fiscal policy and procedures manual
  - Acknowledgement of Addenda (**Attachment 6**)
2. A separate sealed envelope labeled "Price Proposal" containing one original of the Price Proposal Form (**Attachment 3**) and the budget justification narrative.
3. One original Doing Business Data Form (**Attachment 4**) should be placed in a sealed inner envelope.
4. For organizations who are **not** certified not-for-profits **only**.

In a sealed inner envelope labeled "M/WBE Documents," containing one original set of the applicable required documentation related to M/WBE:

- "Subcontractor Utilization Plan (**Attachment 5**, Schedule B, Part II), or
- Approved Waiver of Target Subcontracting Percentage (**Attachment 5**, Schedule B, Part III), or
- "Subcontractor Utilization Plan" (**Attachment 5**, Schedule B, Part II) and Approved **Partial** Waiver of Target Subcontracting Percentage (**Attachment 5**, Schedule B, Part III).

For each proposal submitted, enclose the documents listed above in a sealed envelope and hand deliver to DYCD Office of Contract Procurement, attention: Michael Owh, Agency Chief Contracting Officer. Label the envelope with the following:

- The title and PIN of this RFP
- The proposer's name and address
- The name and telephone number of the proposer's contact person

**SECTION V: PROPOSAL EVALUATION AND CONTRACT AWARD PROCEDURES**

**A. Evaluation Procedures**

All proposals accepted by DYCD will be reviewed to determine whether they are responsive or nonresponsive to the requirements of this RFP. Proposals which DYCD determines to be nonresponsive will be rejected. DYCD's Evaluation Committees will evaluate and rate all remaining proposals based on the Evaluation Criteria prescribed below. DYCD reserves the right to conduct site visits, to conduct interviews, or to request that proposers make presentations, as deemed applicable and appropriate. Although DYCD may conduct discussions with proposers submitting acceptable proposals, it reserves the right to award contracts on the basis of initial proposals received, without discussions; therefore, the proposer's initial proposal should contain its best programmatic and price terms.

**B. Evaluation Criteria**

- Demonstrated quantity and quality of successful relevant experience 40%
- Demonstrated level of organizational capability 30%
- Quality of proposed program approach 30%

**C. Basis for Contract Award**

DYCD will award a contract to the responsible proposer whose proposal is determined to be the most advantageous to the City, taking into consideration the price and such other factors or criteria which are set forth in this RFP. Based on the final technical scores of the proposals, after any oral presentations, discussions and/or technical Best and Final Offers, if applicable have been held, DYCD will establish a shortlist – either through a natural break in scores or a technically-viable cutoff score. Those proposals still under consideration for award will be ranked in order of lowest price per technical point, which shall be calculated by dividing the proposed price (or Best and Final price, if applicable) by the technical score.

Contract award shall be subject to:

- Demonstration that the proposer has, or will have by the conclusion of contract negotiations, at least one principal of the firm who is a CPA.
- Demonstration that the proposer has, or will have by the conclusion of contract negotiations, a fidelity bond in the amount of \$2,000,000.
- Timely completion of contract negotiations between the agency and the selected proposer.

## **SECTION VI - GENERAL INFORMATION TO PROPOSERS**

**A. Complaints.** The New York City Comptroller is charged with the audit of contracts in New York City. Any proposer who believes that there has been unfairness, favoritism or impropriety in the proposal process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, Room 835, New York, NY 10007; the telephone number is (212) 669-3000. In addition, the New York City Department of Investigation should be informed of such complaints at its Investigations Division, 80 Maiden Lane, New York, NY 10038; the telephone number is (212) 825-5959.

**B. Applicable Laws.** This Request for Proposals and the resulting contract award(s), if any, unless otherwise stated, are subject to all applicable provisions of New York State Law, the New York City Administrative Code, New York City Charter and New York City Procurement Policy Board (PPB) Rules. A copy of the PPB Rules may be obtained by contacting the PPB at (212) 788-7820.

**C. General Contract Provisions.** Contracts shall be subject to New York City's general contract provisions, in substantially the form that they appear in "Appendix A—General Provisions Governing Contracts for Consultants, Professional and Technical Services" or, if the Agency utilizes other than the formal Appendix A, in substantially the form that they appear in the Agency's general contract provisions. A copy of the applicable document is available through the Authorized Agency Contact Person.

**D. Contract Award.** Contract award is subject to each of the following applicable conditions and any others that may apply: New York City Fair Share Criteria; New York City MacBride Principles Law; submission by the proposer of the requisite New York City Department of Business Services/Division of Labor Services Employment Report and certification by that office; submission by the proposer of the requisite VENDEX Questionnaires/Affidavits of No Change and review of the information contained therein by the New York City Department of Investigation; all other required oversight approvals; applicable provisions of federal, state and local laws and executive orders requiring affirmative action and equal employment opportunity; and Section 6-108.1 of the New York City Administrative Code relating to the Local Based Enterprises program and its implementation rules.

**E. Proposer Appeal Rights.** Pursuant to New York City's Procurement Policy Board Rules, proposers have the right to appeal Agency non-responsiveness determinations and Agency non-responsibility determinations and to protest an Agency's determination regarding the solicitation or award of a contract.

**F. Multi-Year Contracts.** Multi-year contracts are subject to modification or cancellation if adequate funds are not appropriated to the Agency to support continuation of performance in any City fiscal year succeeding the first fiscal year and/or if the contractor's performance is not satisfactory. The Agency will notify the contractor as soon as is practicable that the funds are, or are not, available for the continuation of the multi-year contract for each succeeding City fiscal year. In the event of cancellation, the contractor will be reimbursed for those costs, if any, which are so provided for in the contract.

**G. Prompt Payment Policy.** Pursuant to the New York City's Procurement Policy Board Rules, it is the policy of the City to process contract payments efficiently and expeditiously.

**H. Prices Irrevocable.** Prices proposed by the proposer shall be irrevocable until contract award, unless the proposal is withdrawn. Proposals may only be withdrawn by submitting a written request to the Agency prior to contract award but after the expiration of 90 days after the opening of proposals. This shall not limit the discretion of the Agency to request proposers to revise proposed prices through the submission of best and final offers and/or the conduct of negotiations.

**I. Confidential, Proprietary Information or Trade Secrets.** Proposers should give specific attention to the identification of those portions of their proposals that they deem to be confidential, proprietary information or trade secrets and provide any justification of why such materials, upon request, should not be disclosed by the City. Such information must be easily separable from the non-confidential sections of the proposal. All information not so identified may be disclosed by the City.

**J. RFP Postponement/Cancellation.** The Agency reserves the right to postpone or cancel this RFP, in whole or in part, and to reject all proposals.

**K. Proposer Costs.** Proposers will not be reimbursed for any costs incurred to prepare proposals.

**L. Vendex Fees.** Pursuant to PPB Rule 2-08(f)(2), the contractor will be charged a fee for the administration of the Vendex system, including the Vendor Name Check Process, if a Vendor Name Check review is required to be conducted by the Department of Investigation. The contractor shall also be required to pay the applicable fees for any of its subcontractors for which Vendor Name Check reviews are required. The fee(s) will be deducted from payments made to the contractor under the contract. For contracts with an estimated value of less than or equal to \$1,000,000, the fee will be \$175. For contracts with an estimated value of greater than \$1,000,000, the fee will be \$350. The estimated value for each contract resulting from this RFP is estimated to be (less than or equal to \$1million) (above \$1million).

**M. Charter Section 312(a) Certification.**

The Agency has determined that the contract(s) to be awarded through this Request for Proposals will not directly result in the displacement of any New York City employee.



Agency Chief Contracting Officer

3/25/2011

Date

**Message from the New York City Vendor Enrollment Center- Get on mailing lists for New York City contract opportunities!  
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# **Appendix A: DYCD's Fiscal Agent Manual**

**RFP Title: Fiscal Agent**

**PIN: 26012FIAGRFP**

## **THE DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT**

### **FISCAL AGENT MANUAL**

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## **INTRODUCTION AND OVERVIEW**

THE DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT (DYCD) SUPPORTS A VARIETY OF ACTIVITIES BY AWARDING FUNDS TO COMMUNITY BASED ORGANIZATIONS (CBOs).

THE FINANCIAL ADMINISTRATION OF A GRANT AWARDED TO CBOs UNDER CONTRACT WITH DYCD IS DETERMINED BY THE SIZE, SCOPE, PAST PERFORMANCE AND FUNDING SOURCE FOR A CBO, IN ACCORDANCE WITH THE GENERAL PROVISIONS OF THIS MANUAL AND FISCAL PROCEDURES APPLICABLE TO EACH FUNDING CLASS.

### **DIRECT FUNDED CBOs**

RECEIVE AN ADVANCE PAYMENT AND REIMBURSEMENTS BASED ON THE PROGRAM EXPENSES REPORT SUMMARY (PERS) SUBMITTED TO DYCD MONTHLY.

### **NON-DIRECT FUNDED CBOs**

GRANTS ARE ADMINISTERED BY THE FISCAL AGENT. CBOs DO NOT RECEIVE ANY PAYMENTS FROM DYCD AND ARE NOT OBLIGATED TO PREPARE MONTHLY EXPENSE REPORTS (PERS). UPON THE REGISTRATION OF THE CBO'S CONTRACT WITH THE CITY COMPTROLLER'S OFFICE, THE CBO'S CLAIMS FOR FUNDS ARE REVIEWED AND PROCESSED BY THE FISCAL AGENT, WHICH THEN DIRECTLY PAYS THE CBO'S VENDORS, CONSULTANTS, AND EMPLOYEES. THE FISCAL AGENT PREPARES AND FORWARDS EXPENSE REPORTS TO DYCD MONTHLY.

### **MANDATED FISCAL AGENT SERVICES**

CBOs THAT HAVE NOT MAINTAINED PROPER FINANCIAL RECORDS OR BUDGET PROCEDURES, FOR EXAMPLE FAILING TO SUBMIT PERS OR CHRONICALLY SUBMITTING ERROR-PRONE PERS, ARE MANDATED TO USE THE FISCAL AGENT SERVICES. IN ADDITION, CBOs THAT RECEIVE AN "UNSATISFACTORY" OR "NEEDS IMPROVEMENT" RATING ON THE FINANCIAL PORTION OF THE VENDEX PERFORMANCE EVALUATION MAY BE REQUIRED TO USE FISCAL AGENT SERVICES. CBOs MANDATED TO USE THE SERVICES OF THE FISCAL AGENT ARE NOTIFIED IN WRITING BY THE ASSISTANT COMMISSIONER OF THE CONTRACT AGENCY FINANCE DEPARTMENT.

THE FISCAL AGENT MANUAL OUTLINES DYCD POLICIES AND PROCEDURES, WHICH ARE TO BE ADHERED TO BY ALL ORGANIZATIONS ASSIGNED TO UTILIZE THE FISCAL AGENT'S SERVICES.

## **SECTION ONE: - THE BUDGET AND WHAT IT COVERS**

### **BUDGET OVERVIEW**

A BUDGET IS THE PROPOSER'S TOTAL OFFERING PRICE FOR THE SCOPE OF SERVICES. WHEN A CBO IS AWARDED FUNDING, THE BUDGET IS PREPARED ON THE BASIS OF THE CONTRACTED SERVICES, LEVEL OF FUNDING, AND CONTRACT TERM. A BUDGET IS CATEGORIZED INTO THREE SECTIONS:

#### **PERSONNEL SERVICES CATEGORIES:**

1100 SALARIES AND WAGES  
1200 FRINGE BENEFITS  
1300 CENTRAL INSURANCE PROGRAM (CIP)

#### **NON-STAFF SERVICE CATEGORIES:**

2100 CONSULTANTS  
2200 SUBCONTRACTORS  
2300 STIPENDS  
2400 VENDORS  
2500 FISCAL CONDUIT

#### **OTHER THAN PERSONNEL SERVICES CATEGORIES:**

3100 CONSUMABLE SUPPLIES  
3200 EQUIPMENT PURCHASES  
3300 EQUIPMENT OTHER  
3400 SPACE COST  
3500 TRAVEL  
3600 UTILITIES AND TELEPHONE  
3700 OTHER OPERATIONAL COSTS  
3800 VAN MAINTENANCE (FOR DYCD ISSUED VEHICLES ONLY)  
3900 FISCAL AGENT SERVICES

EACH BUDGET CATEGORY IS EXPLAINED BELOW. IT IS IMPORTANT THAT ALL OF THE COSTS ARE CLASSIFIED PROPERLY AT THE TIME OF THE PROPOSAL TO AVOID BUDGET MODIFICATIONS DURING THE OPERATING PERIOD.

NOTE: IF IN ANY DOUBT ABOUT A PARTICULAR EXPENSE CLASSIFICATION, THE CBO SHOULD CONTACT THE FISCAL AGENT'S OFFICE.

## THE BUDGET FACE SHEET (PAGE 1 OF 4)

THE FACE SHEET OF THE BUDGET CONSISTS OF THE FOLLOWING:

### **TOP PORTION (PAGE 1):** CBO IDENTIFYING INFORMATION:

- **FUNDING COMPONENT:** INDICATE THE TYPE OF FUNDING FOR THIS BUDGET, I.E., YDDP, TAX LEVY DISCRETIONARY, RUNAWAY AND HOMELESS, HEAP, TAX LEVY INITIATIVES, EMERGENCY SHELTER, CSBG, CDBG, BOROUGH NEEDS, LITERACY, AND PRIVATE MATCH.
- **DYCD ID No., BUDGET CODE/OBJECT CODE AND AMENDMENT No.:** THIS INFORMATION APPEARS ON THE AWARD NOTICE.
- **NAME OF CBO:** THE AGENCY'S NAME, AS IT APPEARS ON INCORPORATION PAPERS; ITS ADDRESS, TELEPHONE AND FAX NUMBERS.
- **FOR OFFICIAL USE ONLY:** THIS INFORMATION IS COMPLETED BY DYCD AND REFLECTS PROGRAM OPERATIONS AND CONTRACT AGENCY FINANCE DEPARTMENT (CAFD) APPROVAL OF THE BUDGET. IT ALSO INDICATES WHETHER A CBO'S FUNDS ARE ADMINISTERED THROUGH THE FISCAL AGENT. CBOs NOT MEETING ESTABLISHED CRITERIA WILL BE REQUIRED TO UTILIZE THE SERVICES OF THE FISCAL AGENT OR CBOs MAY INDEPENDENTLY REQUEST THE SERVICES OF THE FISCAL AGENT. (SEE FEE SCHEDULE)
- **EXECUTIVE DIRECTOR:** NAME AND THE TELEPHONE NUMBER OF THE PERSON RESPONSIBLE FOR THE OVERALL ADMINISTRATION OF THE CONTRACT AND THE AGENCY.
- **FISCAL OFFICER:** NAME AND THE TELEPHONE NUMBER OF THE PERSON RESPONSIBLE FOR PREPARING THE FINANCIAL DOCUMENTS FOR THIS CONTRACT, I.E., THE COMPTROLLER, BOOKKEEPER AND/OR ACCOUNTANT.
- **FEDERAL EMPLOYER IDENTIFICATION NUMBER (EIN):** INDICATE YOUR CBO'S EIN (A COPY OF ANY OFFICIAL IRS DOCUMENT REFLECTING THE FEDERAL EMPLOYER IDENTIFICATION NUMBER WILL BE REQUIRED BEFORE ENTERING INTO A CONTRACT WITH YOUR CBO).
- **STATE UNEMPLOYMENT INSURANCE NUMBER (SUI):** THIS NUMBER APPEARS ON ALL CORRESPONDENCE RELATING TO SUI, AND MAY BE OBTAINED BY CALLING THE NEW YORK STATE DEPARTMENT OF LABOR AT 1-888-899-8810.
- **OPERATING PERIOD:** THE TERM OF THE CONTRACT (START DATE TO END DATE) MAY OVERLAP FISCAL YEARS. THE CITY'S FISCAL YEAR RUNS FROM JULY 1 TO JUNE 30. IN MULTI-YEAR CONTRACTS, A SEPARATE BUDGET MUST BE SUBMITTED FOR EACH FISCAL YEAR, INDICATING THE PORTION OF THE AWARD SPENT IN EACH YEAR.

- **IN KIND CONTRIBUTION:** DYCD RECOGNIZES THAT IN SOME CASES THE FUNDING RECEIVED FROM DYCD DOES NOT REPRESENT THE FULL AMOUNT NEEDED TO OPERATE A PROGRAM. CBOs OFTEN PROVIDE ADDITIONAL FUNDING; IN SOME CASES, ADDITIONAL FUNDING IS A REQUIREMENT OF THE RFP. THE DOLLAR VALUE OF EXISTING RESOURCES FROM OTHER FUNDERS THAT ARE ALLOCATED TO THIS CONTRACT SHOULD BE REFLECTED AS IN-KIND CONTRIBUTIONS. THE EQUIVALENT MONETARY VALUE OF VOLUNTEER SERVICE SHOULD BE ADDED TO THE IN-KIND CONTRIBUTIONS CATEGORY.
- **TOTAL CBO BUDGET (ALL SOURCES):** THIS ENTRY SHOULD REFLECT THE TOTAL OPERATING BUDGET OF THE CBO, FROM ALL SOURCES.

### **LOWER PORTION (PAGE 1)**

THE LOWER PORTION OF THE BUDGET FACE SHEET IS DIVIDED INTO THREE COLUMNS. THE COLUMNS ARE: TOTAL DYCD BUDGET, PROGRAM ADMINISTERED AND CENTRALLY ADMINISTERED.

- **TOTAL DYCD BUDGET:** THIS COLUMN REFLECTS THE TOTAL AMOUNT OF DYCD FUNDING ALLOCATED TO EACH BUDGET CATEGORY. THIS COLUMN REFLECTS THE SUM OF THE PROGRAM ADMINISTERED AND THE CENTRALLY ADMINISTERED COLUMNS, DESCRIBED BELOW.
- **PROGRAM ADMINISTERED:** THE PORTION OF THE BUDGET THAT WILL BE MANAGED BY THE CBO.
- **CENTRALLY ADMINISTERED:** SPECIFIC ITEMS COVERED AND PAID BY DYCD. THESE ARE NON-REIMBURSABLE COSTS, AND CBOs WILL NOT HAVE ACCESS TO THESE FUNDS. THESE COSTS INCLUDE FISCAL AGENT SERVICE FEES, VAN MAINTENANCE, AND THE CENTRAL INSURANCE PROGRAM (CIP). NO OTHER ITEMS MAY BE INCLUDED IN THIS COLUMN.

### **BUDGET SALARIES AND WAGES SUPPORT SHEET (PAGE 2 OF 4)**

THE SALARY AND WAGES SUPPORT SHEET INDICATES THE AMOUNT ALLOCATED FOR EACH EMPLOYEE FOR A GIVEN PERIOD. *THE JOB FUNCTION OF ANY EMPLOYEE PAID WITH DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT FUNDS MUST DIRECTLY RELATE TO THE CONTRACTED SERVICES. THE WAGES EARNED UNDER THIS GRANT MUST EQUAL THE TIME CHARGED AGAINST THE APPROVED BUDGET.*

THE SALARIES ARE DIVIDED INTO TWO CATEGORIES, FULL AND PART TIME EMPLOYEES. A FULL TIME EMPLOYEE WORKS 35 HOURS OR MORE PER WEEK ON THIS GRANT. A PART TIME EMPLOYEE WORKS FEWER THAN 35 HOURS PER WEEK.

SALARY INCREASES WILL BE AT THE DISCRETION OF THE CBO, AS LONG AS IT IS WITHIN THE SCOPE OF SERVICES OF THE CONTRACTS AND APPROVED BY THE PROGRAM DEPARTMENT.

## **1200: FRINGE BENEFITS**

THE MAXIMUM RATE ALLOWED FOR FRINGE BENEFITS IS 30%. THE RATE INCLUDES ALL BENEFITS UNDER THE FRINGE BENEFITS CATEGORY. FRINGE BENEFITS MAY INCLUDE FICA, UNEMPLOYMENT INSURANCE, WORKERS COMPENSATION, DISABILITY, LIFE INSURANCE, PENSION, AND MEDICAL BENEFITS. A MINIMUM FRINGE BENEFIT RATE OF 7.65% FOR FICA IS REQUIRED FOR ALL CONTRACTS.

THE MINIMUM RATE FOR CBOs UNDER THE FISCAL AGENT IS 12.65%. THIS REPRESENTS 7.65% (FICA) PLUS A 5% ESTIMATED UNEMPLOYMENT INSURANCE RATE.

## **1300: CENTRAL INSURANCE PROGRAM (CIP)**

CBOs HAVE THE OPTION OF BUYING INTO DYCD'S INSURANCE PACKAGE THROUGH NEW YORK CITY'S CENTRAL INSURANCE PROGRAM (CIP). THE PACKAGE OFFERED UNDER THIS PROGRAM INCLUDES GENERAL LIABILITY INSURANCE, SPECIAL ACCIDENT, WORKERS COMPENSATION, DISABILITY AND EQUIPMENT INSURANCE. THIS INSURANCE DOES NOT COVER INCIDENTS OF CHILD, OR SEXUAL ABUSE.

THE COST OF THE CIP BASIC INSURANCE PACKAGE IS 4.5% OF THE CONTRACT'S TOTAL BUDGET. CIP CANNOT BE PURCHASED FOR A PORTION OF THE CONTRACT TERM. ENTERING INTO THE CENTRAL INSURANCE PROGRAM COVERS THE CBO FOR THE FULL CONTRACT YEAR.

## **CBOs THAT PROVIDE THEIR OWN INSURANCE**

CBOs THAT CHOOSE NOT TO BUY INTO THE CIP INSURANCE PROGRAM MUST PROVIDE DYCD WITH TWO *ORIGINAL CERTIFICATES OF GENERAL LIABILITY INSURANCE*, AS WELL AS ANY RENEWAL CERTIFICATES REQUIRED DURING THE CONTRACT TERM. REQUIRED CERTIFICATES NOT PRESENTED IN A TIMELY MANNER MAY RESULT IN CBO BEING PLACED ON CHECK HOLD. NON-COMPLIANCE WILL ALSO BE REFLECTED IN THE FINAL VENDEX EVALUATION OF THE CONTRACT.

CBOs ARE REQUIRED TO HAVE GENERAL LIABILITY INSURANCE IN THE SUM OF NOT LESS THAN *ONE MILLION DOLLARS PER OCCURRENCE* TO PROTECT ITSELF, THE CITY OF NEW YORK AND THE DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT AGAINST CLAIMS, LOSSES, OR DAMAGES. THE POLICY SHOULD INCLUDE THEFT INSURANCE TO GUARD AGAINST LOSS OF EQUIPMENT AS A RESULT OF A BREAK-IN OR ROBBERY. EACH CBO MUST BE COVERED FOR LOSS DUE TO BURGLARIES, VANDALISM, FIRE OR FLOODS THAT AFFECT EQUIPMENT OR FURNITURE THAT IS LEASED OR PURCHASED WITH DYCD FUNDS. IF THE EQUIPMENT IS LOST OR STOLEN, THE CBO MUST OBTAIN A POLICE REPORT DETAILING THE NATURE OF THE INCIDENT AS WELL AS SUBMIT A CLAIM TO THE INSURANCE CARRIER. IN ADDITION, SUBMIT AN OFFICIAL REPORT TO DYCD. THE CBO MUST REPLACE LOST OR STOLEN EQUIPMENT WITH FUNDS OBTAINED FROM SETTLEMENT OF THE CLAIM.

INSURANCE MUST BE OBTAINED FROM A COMPANY LICENSED TO DO BUSINESS IN THE STATE OF NEW YORK. *BOTH THE CITY OF NEW YORK AND DYCD ARE TO BE INCLUDED AS ADDITIONAL INSURED IN THE DESCRIPTION BOX AND CERTIFICATE HOLDER BOX* ON THE CERTIFICATE OF GENERAL LIABILITY THE RISK MANAGEMENT UNIT/CAFD MUST RECEIVE WRITTEN NOTIFICATION WITHIN FIFTEEN (15) DAYS IF THE POLICY IS CANCELLED DURING THE CONTRACT TERM.

ALL OTHER MANDATORY INSURANCE POLICIES MUST BE MADE AVAILABLE FOR INSPECTION BY DYCD STAFF, CPA AUDITORS OR OTHER AUTHORIZED AGENTS.

DYCD RETAINS THE RIGHT TO ENROLL A NON-COMPLIANT CBO IN CIP AND TO WITHHOLD 4.5% OF THE CONTRACT.

EMPLOYER'S FICA IS BUDGETED AT 7.65% OF TOTAL SALARIES. THE MAXIMUM OF WAGES TAXED FOR THE SOCIAL SECURITY PORTION OF FICA IS CURRENTLY \$106,800. PLEASE NOTE THAT THESE RATES AND DOLLAR AMOUNTS ARE DETERMINED BY THE FEDERAL GOVERNMENT, AND ARE SUBJECT TO CHANGE.

STATE UNEMPLOYMENT INSURANCE (SUI) IS BUDGETED AT THE CBO'S INSURANCE RATE FOR UP TO AND INCLUDING THE FIRST \$8,500 OF AN EMPLOYEE'S SALARY. PLEASE NOTE: TERMINATED STAFF AS WELL AS NEW STAFF HIRED WITHIN THE SAME CALENDAR YEAR MUST BE COVERED BY SUI.

*MEDICAL BENEFITS, LIFE INSURANCE, PENSION, WORKERS COMPENSATION, AND DISABILITY COSTS ARE TO BE CALCULATED BASED UPON THE ORGANIZATION'S POLICIES.*

#### **CONSULTANT/OTHER - (PAGE 3 OF 4)**

##### **2100: CONSULTANTS**

CONSULTANTS ARE INDEPENDENT FIRMS OR INDIVIDUALS, WITH SPECIFIC SKILLS, RETAINED TO PERFORM LIMITED PROGRAMMATIC TASKS OR COMPLETE PROJECTS WITHIN THE CONTRACT THAT CANNOT BE ACCOMPLISHED BY REGULAR STAFF.

CONSULTANTS CANNOT BE SALARIED EMPLOYEES CONSULTANTS USUALLY CONSIDER THEMSELVES SELF-EMPLOYED, MAINTAIN THEIR OWN SERVICE AND FINANCIAL RECORDS AND HAVE A PLACE OF BUSINESS SEPARATE FROM THE CBO. FOR EACH CONSULTANT LISTED, ATTACH A SIGNED, NOTARIZED CONSULTANT AGREEMENT AND A RESUME. (IF EXTRA SPACE IS REQUIRED TO LIST THE CONSULTANTS, PLEASE USE THE TAB "ADDITIONAL INFO PAGE 3" OF THE BUDGET SPREADSHEET).

CONSULTANTS RETAINED BY A CBO MUST ENTER INTO A WRITTEN AGREEMENT, DETAILING THE SPECIFIC TASKS TO BE PERFORMED. CONSULTANTS WILL BE ALLOWED BY DYCD ONLY FOR THOSE SERVICES THAT CANNOT BE PERFORMED BY CBO STAFF. IF A CONSULTANT'S SERVICES ARE REQUIRED FOR AN EXTENDED PERIOD, SUCH AN INDIVIDUAL MUST BE HIRED AS AN EMPLOYEE. CONSULTANT AGREEMENTS MUST BE MAINTAINED BY THE CBO FOR SIX (6) YEARS. CONSULTANT INVOICES MUST BE MAINTAINED BY THE CBO WITH THE FOLLOWING DETAILS; RATE, HOURS, TYPE OF SERVICES AND APPROVAL BY THE ORGANIZATION'S EXECUTIVE DIRECTOR OR HIS/HER DESIGNEE. CONSULTANT SERVICES ARE EXEMPT FROM BIDDING REQUIREMENTS.

##### **2200: SUB-CONTRACTORS**

SUBCONTRACTORS ARE INDEPENDENT, NON-PROFIT ENTITIES RETAINED TO PERFORM SPECIFIC PROGRAMMATIC SERVICES. SUB CONTRACT AGREEMENTS ARE REQUIRED AGREEMENTS WITH THE

DYCD FUNDED PROGRAM TO CONDUCT SERVICES THAT ASSIST IN THE ACHIEVEMENT OF PROGRAM GOALS. SUBCONTRACTOR SERVICES ARE EXEMPT FROM THE BIDDING REQUIREMENTS.

A SUBCONTRACT AGREEMENT WILL BE GOVERNED BY THE TERMS OF THE DYCD CONTRACT AND WILL BE REGISTERED WITH THE NYC COMPTROLLER. FOR EACH SUBCONTRACTOR LISTED ON THE BUDGET, ATTACH A SIGNED, NOTARIZED SUBCONTRACT AGREEMENT WITH THEIR EIN # AND A LISTING OF THEIR BOARD OF DIRECTORS. THE CBO SHALL FOLLOW THE PURCHASING PROCEDURES OUTLINED IN THE GENERAL PROVISIONS OF THIS MANUAL FOR THE PROCUREMENT OF CONSULTANT/ CONTRACTOR/ SUBCONTRACTOR SERVICES. A FORMAL WRITTEN AGREEMENT FOR EACH CONSULTANT/CONTRACTOR/SUBCONTRACTOR MUST BE MAINTAINED ON FILE AT THE CBO FOR AT LEAST SIX YEARS.

**NOTE:**

MAINTENANCE AND REPAIRS COSTS ARE TO BE CHARGED TO DIFFERENT BUDGET CATEGORIES: MAINTENANCE AND REPAIRS OF OFFICE EQUIPMENT UTILIZED IN THE PERFORMANCE OF THE CBO'S OPERATION ARE COVERED UNDER *EQUIPMENT OTHER* CATEGORY.

SITE MAINTENANCE COSTS ARE COVERED UNDER *SPACE RENTAL OTHER* CATEGORY. PARTS PURCHASED FOR ANY MAINTENANCE/REPAIR WITH NO LABOR BILLED ARE COVERED UNDER THE *CONSUMABLE SUPPLIES* CATEGORY.

**2300: STIPENDS**

STIPENDS ARE AN INCENTIVE OR ALLOWANCE THAT BENEFITS ONLY A PARTICIPANT, CLIENT, OR VOLUNTEER OF THE PROGRAM. STIPENDS MAY BE INCLUDED AS A PART OF A TRAINING PROGRAM, TO ASSIST A CLIENT IN ACQUIRING THE SKILLS NECESSARY TO OBTAIN EMPLOYMENT AND TO SUBSEQUENTLY RETAIN EMPLOYMENT. A STIPEND IS A NOMINAL ALLOWANCE AND MAY BE PAID ACCORDING TO HOURLY, DAILY OR WEEKLY RATES. A STIPEND MAY NOT BE USED TO DISPLACE AN EMPLOYEE OR POSITION, INCLUDING PARTIAL DISPLACEMENT SUCH AS A REDUCTION IN HOURS AND WAGES, TO AVOID HIRING SALARIED WORKERS, OR TO PERFORM SERVICES THAT WOULD OTHERWISE BE PERFORMED BY AN EMPLOYEE, INCLUDING AN EMPLOYEE WHO RECENTLY RESIGNED OR WAS DISCHARGED, AN EMPLOYEE WHO IS SUBJECT TO REDUCTION IN WORKFORCE, OR AN EMPLOYEE WHO IS ON LEAVE. STIPENDS MAY NOT BE USED TO PAY FOR SERVICE BEING RECEIVED BY THE CBO OR TO AVOID PAYMENT OF FICA, UNEMPLOYMENT INSURANCE, OR WORKER'S COMPENSATION INSURANCE.

**2400: VENDORS**

VENDORS ARE BUSINESSES RETAINED TO PROVIDE NON-PROGRAM SERVICES, SUCH AS CLEANING, SECURITY, ACCOUNTING, ETC. VENDOR AGREEMENTS SHOULD BE MAINTAINED ON FILE AT THE CBO FOR A MINIMUM OF SIX (6) YEARS. CBOs MUST FOLLOW THE PURCHASING PROCEDURES OUTLINED IN THE FISCAL AGENT MANUAL FOR THE PROCUREMENT OF GOODS AND SERVICE (SECTION 4).

## **OTHER THAN PERSONNEL SERVICES (PAGE 4 OF 4)**

**OTHER THAN PERSONNEL SERVICES (OTPS)** – REFERS TO PROGRAMMATIC EXPENSES OTHER THAN SALARIES, FRINGE BENEFITS OR NON-STAFF SERVICES. THE FOLLOWING IS A DESCRIPTION OF THE OTPS CATEGORIES:

### **3100: CONSUMABLE SUPPLIES**

CONSUMABLE SUPPLIES ARE SUPPLIES THAT DO NOT LAST OR ARE NOT PERMANENT IN NATURE. CONSUMABLE SUPPLIES INCLUDE OFFICE AND MAINTENANCE SUPPLIES, SUCH AS PENS, STATIONERY, CHALK, ERASERS, TOWELS, CLEANING SUPPLIES, AND BOOKS. NOTE: PURCHASES OF A SMALL EQUIPMENT AND SOFTWARE ARE NOT INCLUDED IN THIS CATEGORY.

### **3200: EQUIPMENT PURCHASES**

SUPPLIES THOSE ARE DURABLE OR PERMANENT IN NATURE, SUCH AS FURNITURE, PRINTERS, FAX MACHINES, TELEVISIONS, CAMERAS, AND COMPUTERS, ETC. ALL EQUIPMENT PURCHASED WITH DYCD FUNDS MUST BE LISTED ON THE BUDGET.

ALL EQUIPMENT AND/OR FURNITURE PURCHASED WITH DYCD FUNDS IS THE PROPERTY OF THE NEW YORK CITY DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT, AND MUST BE TAGGED “PROPERTY OF DYCD.” AT THE END OF THE CONTRACT, ALL NON-DEPRECIATED EQUIPMENT THAT STILL HAS A USEFUL LIFE AND WAS PURCHASED WITH DYCD FUNDS MUST BE RETURNED IF REQUESTED BY DYCD. CONTACT THE ASSIGNED CONTRACT MANAGER REGARDING CONTINUED USE OR OTHER DISPOSITION OF EQUIPMENT. DYCD WILL, CONSIDER REQUESTS FOR CONTINUED USE OR OTHER RECOMMENDED DISPOSITION OF SUCH EQUIPMENT, UPON TERMINATION OR NON-RENEWAL OF A CONTRACT. CONTACT THE ASSIGNED CONTRACT MANAGER REGARDING CONTINUED USE OR OTHER DISPOSITION OF EQUIPMENT.

CAPITALIZATION OF EQUIPMENT SHOULD BE BASED ON WHETHER THE EQUIPMENT PURCHASED BENEFITS THE OPERATION FOR MORE THAN ONE YEAR, OR ANY ADDITIONAL EXPENDITURE ON EXISTING EQUIPMENT EXTENDS THE EQUIPMENT LIFE.

A CAPITALIZATION LEVEL STARTING AT \$500 FOR AN ASSET WITH USEFUL LIFE OF MORE THAN A YEAR SHOULD BE ESTABLISHED FOR FINANCIAL STATEMENT PURPOSES AND DEPRECIATED ON A STRAIGHT-LINE BASIS FOR ALL DYCD FUNDED EQUIPMENT.

EQUIPMENT COSTING LESS THAN \$500 MUST BE PLACED UNDER EQUIPMENT PURCHASES, NOT CONSUMABLE SUPPLIES.

*ALL EQUIPMENT AND/OR FURNITURE PURCHASED WITH DYCD FUNDS AT A PER-UNIT COST EXCEEDING \$500 ARE THE PROPERTY OF THE DYCD AND MUST BE APPROPRIATELY TAGGED AS SUCH.*

*IF YOUR CBO IS TERMINATED OR IF YOUR CONTRACT IS NOT RENEWED, ALL NON-DEPRECIATED EQUIPMENT THAT STILL HAS A USEFUL LIFE AND WAS PURCHASED WITH DYCD FUNDS MUST BE RETURNED.*

### **3300: EQUIPMENT--OTHER**

COSTS ASSOCIATED WITH EQUIPMENT INCLUDE RENTAL, LEASE, LICENSING FEES, COMPUTER SOFTWARE, REPAIR AND MAINTENANCE OF OFFICE/PROGRAMMATIC EQUIPMENT USED IN THE PERFORMANCE OF THE CBO'S OPERATION. MAINTENANCE SERVICE CONTRACTS AND PAYMENTS FOR EQUIPMENT REPAIR AND MAINTENANCE MAY ALSO BE REFLECTED IN THIS CATEGORY. (EQUIPMENT OR FURNITURE LEASED WITH AN OPTION TO BUY MAY ALSO BECOME THE PROPERTY OF DYCD AT THE END OF THE CONTRACT.)

DYCD WILL, HOWEVER, CONSIDER REQUESTS FOR CONTINUED USE OR OTHER RECOMMENDED DISPOSITION OF SUCH EQUIPMENT, UPON TERMINATION OR NON-RENEWAL OF A CONTRACT. PLEASE CONTACT YOUR PROGRAM'S ACCOUNT EXECUTIVE AT DYCD REGARDING CONTINUED USE OR OTHER DISPOSITION OF EQUIPMENT.

### **3400: SPACE RENTAL (A/C 3710 & 3720)**

SPACE COSTS ARE THOSE COSTS ASSOCIATED WITH PAYING FOR THE SPACE NECESSARY FOR PROGRAM OPERATION. SPACE COST IS SEPARATED INTO TWO SUBCATEGORIES:

#### **3410: SPACE RENTAL - PUBLIC SCHOOL**

OPENING FEES AND ROOM RENTALS PAID TO THE DEPARTMENT OF EDUCATION FOR SCHOOL RENTAL COSTS. CBO MUST COMPLETE A SPACE COST ALLOCATION PLAN AND PROVIDE THE DOE PERMIT.

#### **3420: SPACE RENTAL OTHER**

ALL RENT, MORTGAGE AND OTHER EXPENSES ASSOCIATED WITH THE USE OF A FACILITY, WITH THE EXCEPTION OF A DEPARTMENT OF EDUCATION SITE. ALONG WITH THE BUDGET, THE ORGANIZATION WILL BE REQUIRED TO SUBMIT A COPY OF ITS MORTGAGE, LEASE, OR MONTH-TO-MONTH RENTAL AGREEMENT. IN ADDITION, THE ORGANIZATION MUST SUBMIT A COMPLETED SPACE COST ALLOCATION FORM. THE AGREEMENT WILL REFLECT DYCD'S ALLOCATION PORTION OF THE RENTAL OR MORTGAGE CHARGES. *NO RENOVATION OR CONSTRUCTION PROJECTS MAY BE PAID FOR WITH DYCD'S PROGRAM FUNDS.*

### **3500: TRAVEL**

TRAVEL COSTS REFER TO COSTS APPROPRIATED FOR LOCAL TRAVEL BY THE EMPLOYEES AND, IN SOME INSTANCES, PARTICIPANTS OF THE CBO, TO CONDUCT OFFICIAL BUSINESS RELATED TO THE DYCD CONTRACT. TRAVEL MAY BE BY PUBLIC TRANSPORTATION, BY A CBO'S VEHICLE, OR PERSONAL AUTOMOBILES USED FOR CBO BUSINESS. COSTS FOR THE USE OF A PERSONAL AUTOMOBILE WILL BE REIMBURSED AT A MAXIMUM RATE OF 28 CENTS PER MILE PLUS TOLLS. A MILEAGE LOG MUST BE MAINTAINED FOR BOTH PERSONAL AND BUSINESS-OWNED VEHICLES USED TO CONDUCT BUSINESS-RELATED TO THE FUNDED PROGRAM.

ALL PARTICIPANT RELATED TRAVEL EXPENSES, E.G., BUS TRIPS AND LOCAL TRAVEL, IS TO BE

BUDGETED UNDER THIS CATEGORY. BUS COMPANIES MUST BE INSURED.

CBOs SHOULD CHARGE EXPENSES FOR BUSINESS-OWNED VEHICLES SUCH AS CAR MAINTENANCE, GASOLINE, TOLLS AND AUTOMOBILE INSURANCE TO THIS CATEGORY. CBO-OWNED VEHICLES USED FOR DYCD PURPOSES MUST BE CO-INSURED WITH THE CITY OF NEW YORK AS NAMED BENEFICIARY.

*TRAFFIC VIOLATIONS MAY NOT BE PAID FOR WITH PROGRAM FUNDS.*

### **3600: UTILITIES AND TELEPHONE**

UTILITY, CABLE TV, AND TELEPHONE COSTS RELATED TO THE DYCD PROGRAM ARE COVERED. INTERNET COSTS ARE NOT APPLICABLE. COSTS SHOULD BE PRO-RATED OVER THE OPERATING PERIOD.

### **3700: OTHER OPERATIONAL COSTS (A/C 3710 & 3720)**

EXPENSES WHICH DO NOT FALL INTO ANY OF THE CATEGORIES DESCRIBED ABOVE ARE REFERRED TO AS OTHER OPERATING COSTS. THESE EXPENSES ARE FURTHER SEPARATED INTO TWO SUBCATEGORIES: OPERATING COSTS AND INDIRECT COSTS.

### **3710: OPERATING COSTS**

COSTS SUCH AS, PRINTING, POSTAGE, ADMISSIONS, PUBLICATIONS, BANK CHARGES, SUBSCRIPTION COSTS, INTERNET SERVICE FEES, AND WIRING ASSOCIATED WITH COMPUTER SET UP ARE CONSIDERED OPERATING COSTS. THIS CATEGORY ALSO INCLUDES GENERAL LIABILITY FOR CBOs NOT PARTICIPATING IN THE CENTRAL INSURANCE PROGRAM. PARTICIPANT COSTS SUCH AS REFRESHMENTS, ENTRANCE FEES, AWARDS, T-SHIRTS, UNIFORMS, SPORTING AND RECREATIONAL SUPPLIES ARE INCLUDED IN THIS CATEGORY.

DYCD WILL REIMBURSE CBOs FOR A PORTION OF THEIR AUDIT FEES. IF THE CBO RECEIVES FUNDING FROM OTHER SOURCES BESIDES DYCD, THE CBO MAY ONLY INCLUDE DYCD'S PROPORTIONATE SHARE. THE PROPORTIONATE SHARE SHOULD BE CALCULATED BY DIVIDING THE TOTAL DYCD BUDGET BY THE ORGANIZATION'S TOTAL BUDGET AND APPLYING THAT PERCENTAGE TO THE TOTAL AUDIT COST. CBOs INCLUDING AUDIT COSTS IN THEIR BUDGET MUST SUBMIT AN AUDIT COST ALLOCATION PLAN WITH THE BUDGET

### **3720: INDIRECT COST**

THE INDIRECT COST CATEGORY IS USED TO CAPTURE OVERHEAD COSTS INCURRED BY A CBO THAT OPERATES SEVERAL PROGRAMS AND HAS ADMINISTRATIVE COSTS THAT CANNOT BE IDENTIFIED AS A DIRECT COST TO A SPECIFIC PROGRAM. CBOs WITH MULTIPLE PROGRAMS WHERE SOME ADMINISTRATIVE COSTS ARE SHARED MAY INCUR INDIRECT COSTS. THE MAXIMUM INDIRECT COST RATE ALLOWED BY DYCD IS 10%.

ANY OF THE GENERALLY ACCEPTED METHODS OF CALCULATING AND ALLOCATING INDIRECT COST MAY BE USED. IT IS THE RESPONSIBILITY OF THE CBO TO MAINTAIN DOCUMENTATION TO JUSTIFY THE PERCENTAGE AND ALLOCATION PLAN USED TO ARRIVE AT THE INDIRECT COST RATE. THIS DOCUMENTATION MUST BE MADE AVAILABLE UPON AUDIT REQUEST.

NOTE: THE CATEGORY “INDIRECT COST” CANNOT BE USED BY CBOs ADMINISTERED THROUGH THE FISCAL AGENT SINCE ALL COSTS MUST BE ITEMIZED.

### **3800: VAN MAINTENANCE**

DYCD WILL PROVIDE MAINTENANCE THROUGH THE DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES IF THE CBO HAS BEEN ASSIGNED A CITY-OWNED VAN. A TOTAL OF \$2,000 WILL AUTOMATICALLY BE DEDUCTED FROM THE CONTRACT FOR VAN MAINTENANCE. THIS COST IS CENTRALLY ADMINISTERED AND IS NOT REIMBURSABLE.

### **3900: FISCAL AGENT SERVICES**

ALL CBOs HAVE THE OPTION OF PURCHASING THE SERVICES OF THE FISCAL AGENT WHO WILL:

- ESTABLISH FINANCIAL RECORDS
- MAINTAIN AND REPORT ON AVAILABLE CBO BUDGET BALANCE
- VERIFY INVOICES
- PROVIDE PAYROLL SERVICES AND PERSONNEL REPORTING
- ENSURE THE TIMELY FILING AND PAYMENT OF EMPLOYMENT -RELATED TAXES
- ENSURE THAT ACCOUNTS PAYABLE AND LEDGER SYSTEM AND ACTIVITIES ARE IN ACCORDANCE
- WITH GENERALLY ACCEPTED ACCOUNTING PRACTICES AND PROCEDURES.
- FILE FEDERAL TAX FORM 941 AND 941B
- PREPARE W2s, W3s, AND 1099s

### **FISCAL AGENT FEES**

FISCAL AGENT SERVICES WILL BE CHARGED TO THE ORGANIZATION’S TOTAL BUDGET. (*FISCAL AGENT FEES TO BE DETERMINED.*)

#### **NOTE:**

A CBO THAT CHOOSES TO BE PLACED UNDER, OR IS MANDATED TO USE, THE SERVICES OF THE FISCAL AGENT *MUST HAVE ALL OF ITS DYCD CONTRACTS ADMINISTERED BY THE FISCAL AGENT.* THE FISCAL AGENT FEES ARE CENTRALLY ADMINISTERED COSTS AND ARE NOT REIMBURSABLE. THOSE AGENCIES MANDATED FOR FISCAL AGENT SERVICES DUE TO POOR FISCAL PERFORMANCE (LESS THAN A SATISFACTORY RATING) WILL RECEIVE WRITTEN NOTIFICATION FROM DYCD.

### **BUDGET MODIFICATION POLICIES AND PROCEDURES OVERVIEW**

CHANGES TO THE APPROVED AND REGISTERED BUDGET MAY BE SUBMITTED ONLY AS THEY RELATES DIRECTLY TO THE ACCOMPLISHMENT OF SERVICES REQUIRED IN THE CONTRACT. CBOs MUST SUBMIT ALL MODIFICATIONS (BOTH PROGRAMMATIC AND BUDGETARY) TO THE ASSIGNED DYCD CONTRACT MANAGER IN PROGRAM OPERATIONS. BUDGET MODIFICATIONS MUST NOT BE

IMPLEMENTED PRIOR TO APPROVAL BY CAFD.

FORMS TO REQUEST A CONTRACT MODIFICATION CAN BE ACCESSED THROUGH THE DYCD WEBSITE:

[HTTP://WWW.NYC.GOV/HTML/DYCD/HTML/RESOURCES/FINANCIAL SERVICES BUDGET REVIEW.SHTML](http://www.nyc.gov/html/dycd/html/resources/financial_services_budget_review.shtml)

THE NUMBER OF BUDGET MODIFICATIONS ALLOWED WILL BE BASED ON THE TERM OF THE CONTRACT. CBOs MUST PLAN THEIR PROGRAMS AND BUDGETS CAREFULLY, SINCE THERE IS A LIMIT ON THE NUMBER OF ALLOWABLE BUDGET MODIFICATIONS. THE NUMBER OF MODIFICATIONS ACCEPTED IS BASED ON THE CONTRACT TERM, AS FOLLOWS:

<b>CONTRACT TERM</b>	<b>NUMBER OF BUDGET MODIFICATIONS ALLOWED</b>
3 MONTHS OR LESS	1 MODIFICATION
4 TO 8 MONTHS	2 MODIFICATIONS
9 TO 12 MONTHS	3 MODIFICATIONS

BUDGET MODIFICATIONS CANNOT BE REQUESTED DURING THE FIRST OR LAST MONTH OF THE FISCAL YEAR.

REQUESTS ARE TO BE SUBMITTED TO THE ASSIGNED CONTRACT MANAGER TWO WEEKS PRIOR TO THEIR PROPOSED EFFECTIVE DATE. NO BUDGET OR PROGRAMMATIC CHANGES MAY BE MADE WITHOUT PRIOR WRITTEN APPROVAL FROM DYCD.

PLEASE NOTE: THE LAST DAY FOR BUDGET MODIFICATIONS TO BE SUBMITTED IS APRIL 30 OF THE FISCAL YEAR.

CBOs WITH CONTRACTS THAT WERE REGISTERED AFTER MID-MARCH OF THE FISCAL YEAR ARE EXEMPT FROM THE ABOVE DEADLINE.

QUESTIONS REGARDING THE BUDGET MODIFICATION PROCESS SHOULD BE DIRECTED TO YOUR DYCD CONTRACT MANAGER.

## **SECTION TWO: GENERAL PROCEDURES**

### **BANK ACCOUNT**

CBOs USING FISCAL AGENT SERVICES ARE NOT REQUIRED TO ESTABLISH A BANK ACCOUNT FOR THE DYCD GRANT, AS THE CBO DOES NOT RECEIVE ANY PAYMENTS FROM DYCD AND ALL THE CBO EXPENSES ARE PAID BY A FISCAL AGENT DIRECTLY TO THE CBO'S VENDORS.

IF, HOWEVER, A CBO ALREADY HAS A BANK ACCOUNT OR DECIDES TO ESTABLISH ONE, EXPENSES RELATED TO MAINTAINING SUCH ACCOUNT (I.E. BANK FEES) ARE NOT COVERED UNDER THE DYCD BUDGET.

### **PURCHASING PROCEDURES/ GENERAL PROCUREMENT POLICIES**

ANY PROCUREMENT OF GOODS AND/OR SERVICES IS TO BE CONDUCTED IN THE CBO'S NAME. THE ORGANIZATION IS RESPONSIBLE FOR ORDERING, RECEIVING, INSPECTING AND ACCEPTING MERCHANDISE. THE NAME OF THE DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT, ITS OFFICIALS, EMPLOYEES, OR THE CITY OF NEW YORK SHOULD NOT BE USED, UNDER ANY CIRCUMSTANCES, FOR THE PURPOSE OF ORDERING AND/OR SECURING GOODS AND SERVICES FROM A VENDOR. INVOICES, BILLS, RECEIPTS, ETC., MUST BE ISSUED IN THE NAME AND ADDRESS OF THE ORGANIZATION. ALL EXPENDITURES MUST COMPLY WITH APPLICABLE LAWS AND CONTRACT REGULATIONS, AND ARE SUBJECT TO AUDIT.

### **PURCHASING REQUIREMENTS/COMPETITIVE BIDDING**

THE PROCUREMENT OF GOODS SHALL BE GOVERNED BY THE COMPETITIVE BIDDING REQUIREMENTS DESCRIBED BELOW. THE PURPOSE OF COMPETITIVE BIDDING REQUIREMENTS IS TO ESTABLISH A PROCEDURE THAT WILL SECURE THE BEST POSSIBLE PRICE FOR GOODS AND SERVICES WHILE ALLOWING FOR APPROPRIATE COMPETITION. THE PROCUREMENT PROCESS MUST BE OPEN AND COMPETITIVE (THAT IS, NO VENDOR QUALIFIED TO PROVIDE THE GOODS OR SERVICES MAY BE RESTRICTED FROM BIDDING AND THERE IS FAIR COMPETITION AMONG THOSE BIDDERS). THESE PROCEDURES ALSO APPLY TO THE RENTAL OR LEASING OF EQUIPMENT.

1. **PURCHASES LESS THAN \$5,000**

FOR PURCHASES WITH A VALUE OF \$5,000 OR LESS, NO COMPETITIVE BIDS ARE REQUIRED. DOCUMENTATION OF THE PURCHASE MUST BE MAINTAINED BY THE ORGANIZATION. THIS DOCUMENT MUST INCLUDE THE NAME OF THE VENDOR, THE ITEM PURCHASED, THE DATE AND AMOUNT PAID.

2. **PURCHASES FROM \$5,001 – \$25,000**

A MINIMUM OF FIVE TELEPHONE BIDS MUST BE OBTAINED FOR THE PURCHASE OF GOODS OF SIMILAR ITEMS WHERE THE COST CAN REASONABLY BE EXPECTED TO BE BETWEEN \$5,001 AND \$25,000. DOCUMENTATION OF THE BIDS AND THE PURCHASE MUST BE MAINTAINED BY THE ORGANIZATION. THIS DOCUMENT MUST INCLUDE THE NAME OF THE BIDDER, THE VENDOR, AND THE ITEM PURCHASED, THE DATE AND AMOUNT PAID.

3. PURCHASES FROM \$25,001 - \$100,000

A MINIMUM OF FIVE WRITTEN BIDS MUST BE OBTAINED FOR THE PURCHASE OF GOODS OF SIMILAR ITEMS WHERE THE COST CAN REASONABLY BE EXPECTED TO BE BETWEEN \$25,001 AND \$100,000. THE BIDS MUST CONTAIN A DESCRIPTION OF THE ITEM REQUESTED, THE TIME, DATE, PLACE AND FORM OF REQUESTED RESPONSES, AND THE NAME OF THE EMPLOYEE RESPONSIBLE FOR SECURING BIDS.

4. PURCHASES GREATER THAN \$100,000

A PUBLIC SOLICITATION OF A MINIMUM OF FIVE SEALED, WRITTEN BIDS MUST BE CONDUCTED FOR PURCHASES OF GOODS OF LIKE ITEMS WHERE THE COST CAN REASONABLY BE EXPECTED TO EXCEED \$100,000. THE BIDS MUST BE SOLICITED FROM RESPONSIBLE BIDDERS OFFERING SUCH COMMODITIES OR SERVICES. DETAILED PRODUCT SPECIFICATIONS MUST BE DEVELOPED AND PROVIDED TO ALL POTENTIAL BIDDERS IN WRITING. THE CRITERIA TO BE USED IN DETERMINING THE ACCEPTABILITY OF BIDS SHOULD BE CONTAINED IN THE SPECIFICATION. BIDS MAY BE SOLICITED IN ONE OF THE FOLLOWING WAYS:

**METHOD A**

A NOTICE TO BIDDERS MAY BE PUBLISHED IN A GENERALLY CIRCULATED DAILY NEWSPAPER AT A REASONABLE TIME PRIOR TO THE DUE DATE OF THE BIDS. THE NOTIFICATION SHOULD APPEAR FOR A MINIMUM OF THREE BUSINESS DAYS.

THE NOTICE TO BIDDERS SHOULD CONTAIN A GENERAL DESCRIPTION OF THE GOODS OR SERVICES FOR WHICH BIDS ARE BEING SOLICITED, A DESCRIPTION OF HOW AND WHERE SPECIFICATIONS MAY BE OBTAINED, THE CLOSING DATE FOR ACCEPTANCE OF BIDS, AND THE DATE, PLACE AND TIME OF THE OPENING OF BIDS. THE BIDS MUST BE OPENED AT THE PLACE AND ON THE DATE AND TIME IN THE NOTICE. *THE PROCESS OF OPENING BIDS IS PUBLIC. ACCORDINGLY, VENDORS MAY NOT BE EXCLUDED FROM THE BID OPENING.*

**METHOD B**

CONTRACTORS MAY ELECT TO ESTABLISH A LIST OF QUALIFIED FIRMS FROM WHICH BIDS MAY BE SOLICITED. TO ESTABLISH THIS LIST, PUBLICATION OF A NOTICE IN A WIDELY CIRCULATED NEWSPAPER IS REQUIRED. THIS NOTICE IS NOT A SOLICITATION FOR BIDS. SUCH NOTICE SHALL CONTAIN A GENERAL DESCRIPTION OF THE GOODS AND SERVICES THAT CONTRACTORS MAY WISH TO OBTAIN. RESPONDENTS TO THE NOTICE SHOULD INDICATE THEIR CAPABILITY TO PROVIDE THE GOODS AND SERVICES AND THEIR WILLINGNESS TO SUBSEQUENTLY SUBMIT BIDS IN RESPONSE TO A FUTURE SOLICITATION. THE LIST MUST BE CONSTANTLY UPDATED TO ENSURE COMPETITION. CONTRACTORS MAY SOLICIT BIDS FROM THE QUALIFIED BIDDERS ON THE LIST BY MAILING THOSE INVITATIONS TO BID. THE INVITATION TO BID MUST INCLUDE ALL RELEVANT SPECIFICATIONS, THE DUE DATE FOR SUBMISSION AND THE DATE, PLACE AND TIME OF THE BID OPENING. THE BIDS MUST BE OPENED AT THE PLACE AND ON THE DATE AND TIME SPECIFIED.

CONTRACTORS MUST DOCUMENT THE PROCESS FOLLOWED IN ITS SELECTION OF THE MOST RESPONSIBLE LOWEST BIDDER AND, UPON REQUEST, SUBMIT THE SAME TO DYCD. THE CRITERIA FOR SELECTION SHOULD INCLUDE AT LEAST THE FOLLOWING:

- A. MEETING OR EXCEEDING THE BID SPECIFICATIONS;

- B. PRICE;
- C. RELIABILITY OF BIDDER;
- D. NET 30 DAYS, UNLESS DISCOUNT IS GIVEN; AND,
- E. AVAILABILITY OF GOODS AND TIME FRAME FOR DELIVERY.

CONTRACTORS SHALL MAKE EVERY REASONABLE EFFORT TO OBTAIN COMPETITION BEFORE THE PURCHASE OF COMMODITIES OR SERVICES AND MUST DOCUMENT ANY SITUATION WHERE REASONABLE COMPETITION IS NOT AVAILABLE.

### **RELINQUISHMENT OR DISPOSAL OF EQUIPMENT**

ALL EQUIPMENT PURCHASED WITH DYCD FUNDS REMAINS THE PROPERTY OF THE CITY OF NEW YORK AND MUST BE RETURNED AT THE END OF THE CONTRACT. ORGANIZATIONS SHOULD CONTACT THEIR DCYD CONTRACT MANAGER TO ARRANGE FOR DISPOSITION OF EQUIPMENT.

IF IT IS DETERMINED THAT THE EQUIPMENT BOUGHT WITH DYCD FUNDS IS FULLY DEPRECIATED AND HAS NO FURTHER USEFUL VALUE, PLEASE NOTIFY THE DYCD ASSISTANT COMMISSIONER FOR CONTRACT AGENCY FINANCE, IN WRITING, WITH A LIST OF THE EQUIPMENT, SERIAL NUMBER(S), MODEL NUMBER(S) AND PURCHASE DATE. ORGANIZATIONS WILL RECEIVE WRITTEN NOTIFICATION WITH SPECIFIC INSTRUCTIONS REGARDING THE DISPOSAL OF EQUIPMENT.

INVENTORY LISTS MUST INCLUDE THE METHOD AND REASONS FOR DISPOSITION AND THE VALUE OF DISPOSED EQUIPMENT. IN CASES OF LOSS OR THEFT, PROPERTY LISTS MUST INCLUDE ALL PERTINENT INFORMATION TO SUPPORT THE CLAIM. IF APPROPRIATE, COPIES OF POLICE REPORTS SHOULD BE ATTACHED.

### **PETTY CASH FUND**

TO FACILITATE THE PAYMENT OF MINIMAL CHARGES THAT CANNOT BE HANDLED BY CHECK, CBOs MAY ESTABLISH A PETTY CASH FUND OF UP TO \$200 PER CONTRACT. A PETTY CASH FUND REQUEST FORM SHOULD BE SUBMITTED TO THE FISCAL AGENT FOR PROCESSING.

IT IS IMPORTANT TO REMEMBER THAT ITEMS PURCHASED WITH THE PETTY CASH FUND ARE SUBJECT TO THE SAME REGULATIONS AND ACCOUNTING PRACTICES AS THOSE EXPENSES PAID BY CHECK.

THE PETTY CASH FUND MUST BE MAINTAINED IN A SECURE PLACE TO SAFEGUARD AGAINST LOSS FROM UNAUTHORIZED USE. *IN THE EVENT OF LOSS DUE TO THEFT OR FIRE, THE CBO WILL NOT BE REIMBURSED.*

EXAMPLES OF REIMBURSABLE PETTY CASH EXPENSES ARE:

- LOCAL TRAVEL BY PUBLIC TRANSPORTATION
- PROGRAMMATIC SUPPLIES
- FOOD

- POSTAGE – NOT EXCEEDING 100 STAMPS PER PURCHASE

NOTE: A PETTY CASH EXPENSE MAY NOT EXCEED \$100 PER PURCHASE.

## **DISALLOWANCES**

EXPENDITURES FOR ITEMS NEITHER BUDGETED NOR ALLOWABLE UNDER DYCD FEDERAL, STATE AND CITY GUIDELINES WILL NOT BE REIMBURSED. A STATUS REPORT LETTER WILL SERVE AS NOTIFICATION TO A CBO OF DISALLOWED EXPENSES. THE STATUS LETTER WILL DETAIL THE REASONS FOR THE DISALLOWANCE AND WILL REFLECT THE ADJUSTED APPROVED EXPENSES FOR THE PERS PROCESSED.

THE FOLLOWING ARE THE TYPES OF EXPENSES THAT WILL NOT BE REIMBURSED BY DYCD:

- PURCHASE OF LAND AND BUILDINGS.
- TAXES FROM WHICH MUNICIPALITIES ARE EXEMPT (SALES TAX, NYS FRANCHISE TAX, FEDERAL UNEMPLOYMENT TAX (FUTA).
- CAPITAL IMPROVEMENTS, WHICH ARE DEFINED TO MEAN THE ERECTION OF SUBSTANTIAL STRUCTURES WHICH ARE CAPITAL IN NATURE, OR THE VALUABLE ADDITIONS TO OR VALUABLE MODIFICATIONS OF REAL ESTATE; THIS INCLUDES EXPENDITURES FOR HARD SURFACING, CEMENT INSTALLATIONS, SUBSTANTIAL REPAIRS TO A BUILDING, BASIC HEATING, LIGHTING OR SANITARY EQUIPMENT AND INSTALLATION, PERMANENT OUTDOOR LIGHTING SYSTEMS, FENCING (EXCEPT FOR PARTIAL FENCING JUSTIFIED AS A SAFETY DEVICE), SWIMMING AND WADING POOLS AND TENNIS COURTS;
- PERSONAL MEMBERSHIP FEES IN CLUBS OR PROFESSIONAL ORGANIZATIONS AND ASSOCIATIONS.
- LEAGUE FRANCHISE FEES.
- INTEREST AND PENALTY COSTS.
- ACTIVITIES FOR WHICH A FEE IS CHARGED.
- ACTIVITIES THAT ARE NORMALLY CONSIDERED A PART OF THE REGULAR SCHOOL CURRICULUM.
- ACTIVITIES OF A COMMERCIAL NATURE.
- EXPENDITURES FOR PRE-PAID PAYROLL OR CONSULTING SERVICES. THE DATE ON THE CHECK (PAY DATE) MUST BE ON OR AFTER THE PERIOD OF SERVICE.
- EXPENDITURE FOR FUND RAISING ACTIVITIES.
- EXPENDITURES FOR STIPENDS WHEN USED TO REPLACE EXISTING STAFF AND/OR FOR THE PRIMARY PURPOSE OF SAVING MONEY BY USING LOW COST LABOR, AND TO AVOID PAYING FRINGE BENEFITS, OR TO REPLACE OTHER FUNDING. SPECIAL EXCEPTIONS MAY BE MADE IN ADVANCE WITH APPROVAL FROM DYCD AND OFFICE OF CHILDREN AND FAMILY SERVICES, WHEN NO OTHER SOURCES ARE AVAILABLE AND STIPENDS ARE CRITICAL FOR THE IMPLEMENTATION OF THE PROGRAM MODEL.
- PRIZES OTHER THAN INEXPENSIVE AWARDS SUCH AS TROPHIES, MEDALS OR RIBBONS.
- MEDICAL LIABILITY INSURANCE AND FIRE INSURANCE ON CAPITAL STRUCTURES.
- SECURITY DEPOSITS.

QUESTIONS REGARDING ACCEPTABILITY OF SPECIFIC ITEMS MAY BE EMAILED TO YOUR FISCAL ANALYST.

## **YEAR END CLOSE OUT**

### **THE CBO MUST RECEIVE GOODS AND SERVICES BY THE LAST DAY OF THE CONTRACT PERIOD.**

EMPLOYER'S FICA AND NEW YORK STATE UNEMPLOYMENT INSURANCE (SUI) EXPENSES APPLICABLE TO SALARY EXPENDITURES INCURRED AND PAID THROUGH THE LAST DAY OF THE CONTRACT PERIOD MUST BE INCLUDED IN THAT PERIOD. ANY EXPENDITURE MADE FOR GOODS AND SERVICES WHICH ARE RECEIVED AFTER THE LAST DAY OF THE CONTRACT PERIOD, EVEN IF AUTHORIZED IN THAT CONTRACT PERIOD'S BUDGET, *WILL NOT BE ACCEPTED BY DYCD AS AN AUTHORIZED EXPENDITURE FOR THE GIVEN FISCAL YEAR.*

### **DEADLINE FOR SUBMISSION**

THE DEADLINE FOR FINAL BILLS, RECEIPTS AND/OR REIMBURSEMENT CLAIMS IS *NO LATER THAN SIXTY DAYS* AFTER THE END DATE OF THE BUDGET. BUDGET PERIODS WITH AN END DATE OF JUNE 30 HAVE A DEADLINE OF AUGUST 31. *FAILURE TO MEET THIS DEADLINE WILL RESULT IN THE DISALLOWANCE OF ALL LATE SUBMISSIONS.*

THE SAME DUE DATE PERTAINS TO ANY DOCUMENTS AND/OR INFORMATION SUPPORTING EXPENSES ALREADY PROCESSED BY THE FISCAL AGENT (I.E. ORIGINAL, SIGNED INVOICES FOR GOODS PURCHASED ON THE QUOTE, SERIAL NUMBERS OF EQUIPMENT ITEMS, ETC.). FAILURE TO TIMELY SUBMIT SUPPORTING DOCUMENTS WILL RESULT IN CHARGES TO THE CBO FOR INADEQUATELY DOCUMENTED EXPENSES.

### **FISCAL MONITORS/AUDITORS**

A DYCD INTERNAL AUDITOR OR DESIGNEE WILL VISIT CBOs. ALL BOOKS AND RECORDS PERTAINING TO DYCD FUNDS MUST BE MADE AVAILABLE FOR INSPECTION. FAILURE TO SCHEDULE VISITS OR FAILURE TO PROVIDE ACCESS TO RECORDS UPON REQUEST WILL BE GROUNDS TO PLACE YOUR CBO ON CHECK HOLD AND MAY JEOPARDIZE CONTINUED FUNDING.

## **SECTION THREE: FISCAL AGENT POLICIES AND PROCEDURES**

### **A. GENERAL PART**

#### **THE BEGINNING**

A BUDGET APPROVED BY DYCD IS A BASIC DOCUMENT FOR ESTABLISHING OR UPDATING THE CBO'S DATA RECORDS IN THE FISCAL AGENT'S COMPUTERIZED DATA BASE. ONCE THE BUDGET IS RECEIVED, THE FISCAL AGENT WILL SEND THE CBO AN INTRODUCTORY LETTER ALONG WITH A SIGNATURE AUTHORIZATION FORM TO BE COMPLETED. THE FISCAL AGENT WILL THEN ESTABLISH AND MAINTAIN SEPARATE ACCOUNTING AND RELATED RECORDS FOR EACH GRANT RECEIVED BY A CBO FROM DYCD.

ACCOUNTING RECORDS ARE MAINTAINED ON A FISCAL YEAR BASIS AND IN ACCORDANCE WITH GENERALLY ACCEPTED

ACCOUNTING PROCEDURES AND DYCD POLICIES AND PROCEDURES. FINANCIAL STATEMENTS ARE AVAILABLE TO THE CBO ANY TIME UPON REQUEST.

### **BANK ACCOUNT**

AS REQUIRED BY DYCD, THE FISCAL AGENT MAINTAINS SEPARATE BANK ACCOUNTS BY FUNDING SOURCE. THE FISCAL AGENT RECEIVES THE ADVANCE AND/OR REIMBURSEMENT CHECKS FROM DYCD AND DEPOSITS AND DISBURSES FUNDS THROUGH THESE ACCOUNTS. REVENUE AND EXPENSES ARE RECONCILED WITH DYCD RECORDS ON A MONTHLY BASIS. CBOs ASSIGNED TO THE FISCAL AGENT DO NOT RECEIVE ANY ADVANCES OR REIMBURSEMENTS FROM DYCD. THEIR LIABILITIES SHOULD BE PAID DIRECTLY BY THE FISCAL AGENT BASED ON THE APPROVED BUDGET AND THE DOCUMENTS SUBMITTED BY THE CBO. FUNDS BECOME AVAILABLE UPON THE CONTRACT'S REGISTRATION BY DYCD AND THE CITY COMPTROLLER'S OFFICE.

### **REPORTING**

THE FISCAL AGENT PREPARES AND FORWARDS TO DYCD MONTHLY EXPENSE REPORTS (PERS) FOR EACH GRANT. CBOs ARE RESPONSIBLE, HOWEVER, FOR PROVIDING DYCD WITH ALL THE REQUIRED *PROGRAMMATIC ACTIVITIES REPORTS*.

### **AUDITING AND CONTROL**

THE FISCAL AGENT HAS ESTABLISHED AN INTERNAL CONTROL STRUCTURE. THE OBJECTIVE OF INTERNAL CONTROL IS TO PROVIDE MANAGEMENT WITH REASONABLE ASSURANCES THAT TRANSACTIONS ARE EXECUTED IN ACCORDANCE WITH MANAGEMENT'S AUTHORIZATION AND RECORDED PROPERLY.

THE FISCAL AGENT'S BOOKS AND RECORDS, AS WELL AS ALL DOCUMENTATION SUBMITTED BY THE CBO, ARE AUDITED YEARLY BY DYCD CONTRACTED INDEPENDENT CERTIFIED ACCOUNTANTS.

## **B. PAYROLL POLICIES AND PROCEDURES**

### **GENERAL POLICY**

CBO EMPLOYEES ARE PAID IN ACCORDANCE WITH THE APPROVED AND REGISTERED BUDGET. IN ORDER TO BE ENTERED INTO THE CENTRALIZED PAYROLL SYSTEM, A CBO MUST SUBMIT OFFICIAL DOCUMENTATION VERIFYING ITS FEDERAL EMPLOYER (EIN) AND STATE UNEMPLOYMENT INSURANCE (SUI) IDENTIFICATION NUMBERS. PROOF OF SUI AND EIN NUMBERS MUST BE SUBMITTED IN THE FORM OF AN IRS NOTICE OF FEDERAL EMPLOYER IDENTIFICATION NUMBER AND A NEW YORK STATE NOTICE OF STATE UNEMPLOYMENT RATE. IF THE CBO IS CLAIMING EXEMPTION FROM FEDERAL UNEMPLOYMENT TAX UNDER SECTION 501C (3), OFFICIAL DOCUMENTATION INDICATING THE CBO'S STATUS MUST BE SUBMITTED TO THE FISCAL AGENT.

ADDITIONALLY, A *POWER OF ATTORNEY FOR TAX FILING REPRESENTATION*, ALONG WITH CBO SIGNATURE AUTHORIZATION AND PAYROLL PICK - UP AUTHORIZATION FORMS *MUST BE SUBMITTED*. AS PER IRS POLICY, POWER OF ATTORNEY HAS TO BE RENEWED EVERY THREE YEARS.

### **HIRING A NEW EMPLOYEE**

BEFORE A CBO CAN HIRE AN EMPLOYEE, IT MUST VERIFY THAT AN AVAILABLE LINE EXISTS IN ITS APPROVED BUDGET. UPON HIRING AN EMPLOYEE, THE CBO MUST SUBMIT TO THE FISCAL AGENT THE FOLLOWING COMPLETED DOCUMENTS:

- **PERSONNEL ACTION FORM (PA1)** – THE PERSONNEL ACTION FORM MUST BE SIGNED AND DATED BY THE EMPLOYEE AND THE DIRECTOR OR CHAIRMAN. WHEN A DIRECTOR IS HIRED, THE CHAIRPERSON MUST SIGN THE PERSONNEL ACTION FORM. IN ADDITION, THE MINUTES OF THE BOARD MEETING DURING WHICH THE HIRING OF THE DIRECTOR WAS APPROVED MUST BE SUBMITTED.

- **W-4 FORM** – EMPLOYEE’S WITHHOLDING ALLOWANCE CERTIFICATE - IF AN EMPLOYEE IS CLAIMING STUDENT EXEMPTION, HE/SHE MUST SUBMIT PROOF OF HIS/HER STATUS AS A STUDENT. A CURRENT BURSAR’S RECEIPT IS AN ACCEPTABLE FORM OF PROOF.
- **NYS NEW HIRE NOTIFICATION (FORM PA2)**
- **CENTRAL INSURANCE PROGRAM ENROLLMENT FORM** - A COMPLETED CENTRAL INSURANCE PROGRAM ENROLLMENT FORM MUST BE IN ACCORDANCE WITH THE FRINGE BENEFITS POLICY.

WHEN FILING A NEW EMPLOYEE ON A PREVIOUSLY OCCUPIED PERSONNEL LINE, A CBO MUST ENSURE THAT THE APPROVED ACCRUED ANNUAL LEAVE HAS BEEN LIQUIDATED PRIOR TO HIRING A NEW EMPLOYEE. TO ACCOMPLISH THAT, THE CBO MUST OBTAIN FROM THE FISCAL AGENT THE ACCRUED ANNUAL LEAVE TIME OF THE PREVIOUS EMPLOYEE AND THE DATE THE LINE WILL BE AVAILABLE FOR HIRING.

**TERMINATIONS OR RESIGNATIONS**

WHEN AN EMPLOYEE IS TERMINATED, A TERMINATION DIRECTIVE MUST BE COMPLETED AND SUBMITTED TO THE FISCAL AGENT. THE REASON(S) FOR THE TERMINATION MUST BE STATED ON THE FORM.

IF AN EMPLOYEE RESIGNS, THE ORIGINAL RESIGNATION LETTER AND A TERMINATION DIRECTIVE FORM MUST BE SUBMITTED TO THE FISCAL AGENT.

**EMPLOYEE TIME SHEETS**

TIME SHEETS MUST BE SUBMITTED TO THE FISCAL AGENT ON THE DESIGNATED SUBMISSION DAY (THURSDAY) OR NO LATER THAN 12:00 P.M. ON THE DAY IMMEDIATELY FOLLOWING THE DESIGNATED SUBMISSION DAY.

*FAILURE TO COMPLY WITH THE SUBMISSION DEADLINE WILL DELAY THE PAYCHECK FOR THE AFFECTED EMPLOYEES UNTIL THE FOLLOWING PAYROLL DATE.*

THE TIME SHEET MUST BE FULLY COMPLETED AND SIGNED BY THE EMPLOYEE AND BY THE DESIGNATED DIRECTOR OR CHAIRPERSON. THE TIME SHEETS ARE TO BE ASSEMBLED BY EACH CBO AND SUBMITTED WITH A TRANSMITTAL FORM. THE TRANSMITTAL FORM SHOULD ALSO INDICATE IF ANY TERMINATIONS OR PERSONNEL ACTION FORMS ARE BEING SUBMITTED.

IN THE EVENT A TIME SHEET IS RECEIVED WITH INCOMPLETE OR INCORRECT INFORMATION, THE PAYROLL SUPERVISOR WILL CONTACT THE CBO DIRECTOR. A PAYCHECK MAY BE PREPARED AND HELD UNTIL THE REVISED TIME SHEET IS SUBMITTED.

THE PAYROLL OFFICE WILL SUPPLY THE CBO WITH BLANK PAYROLL FORMS, BLANK TIMESHEETS, A PAYROLL SCHEDULE LIST, A HOLIDAY LIST, VACATION/SICK TIME BALANCES, COPIES OF PAYROLL EARNINGS AND PAYROLL BUDGET LINE BY LINE REPORTS, AS REQUIRED AND/OR WHEN REQUESTED.

*THE CBO IS REQUIRED TO CLOCK-IN ALL FORMS BEING SUBMITTED TO THE FISCAL AGENT.*

**PAYROLL PROCESSING CYCLE**

PAYROLL IS PROCESSED BI-WEEKLY. WHEN THE FISCAL AGENT RECEIVES TIME SHEETS FROM THE CBO, THEY ARE REVIEWED TO ENSURE THAT THEY CONTAIN THE PROPER SIGNATURES AND THAT THE TOTAL HOURS WORKED IS A SUM OF THE DETAIL HOURS. ALL EMPLOYEE FORMS ARE REVIEWED FOR COMPLETENESS AND ACCURACY. PROCESSING IS PERFORMED ON NEW HIRES, TERMINATIONS, RATE CHANGES, HOURS TO BE PAID, AND PERSONAL INFORMATION. UPDATES TO THE PAYROLL PERSONNEL MASTER FILES WILL OCCUR BEFORE EACH PAYROLL CYCLE BEGINS.

PAYROLL CHECKS ARE AVAILABLE ONE WEEK AFTER THE PAYROLL ENDING DATE, AS INDICATED ON THE PAYROLL SCHEDULE.

### **PAYROLL DISTRIBUTION**

CHECKS, REGISTERS AND NEW TIMESHEETS FOR THE FOLLOWING PAY PERIOD ARE GROUPED BY CBO NUMBER. THE FISCAL AGENT DISTRIBUTES THE CHECKS AND REQUIRES THAT PERSONS PICKING UP CHECKS ARE AUTHORIZED TO DO SO. CHECKS NOT PICKED UP ON THE DESIGNATED DAY ARE RETURNED TO THE SAFE. A CBO CAN PICK UP CHECKS DURING REGULAR BUSINESS HOURS.

### **ADDITIONAL PAYROLL CYCLE**

INDIVIDUAL PAYROLL CYCLES ARE GENERATED FOR REPLACEMENT CHECKS AND RETROACTIVE PAY AS APPROPRIATE.

### **PAYROLL DEDUCTIONS**

WHEN EXECUTION ORDERS ARE RECEIVED FOR GARNISHMENTS, FAMILY SUPPORT, LEVIES, UNION DUES OR ANY OTHER TYPE OF MISCELLANEOUS DEDUCTION, IT MUST BE SUBMITTED TO THE FISCAL AGENT FOR PROCESSING. THE EXECUTION ORDERS ARE FILED IN THE EMPLOYEE'S PERSONNEL FOLDER. THE AMOUNT REQUIRED WILL BE AUTOMATICALLY DEDUCTED FROM THE EMPLOYEE'S PAYROLL CHECK ON A BIWEEKLY BASIS UNTIL THE EXECUTION ORDER IS PROPERLY SATISFIED.

### **MISCELLANEOUS FORMS**

THE PAYROLL DEPARTMENT IS CALLED UPON TO COMPLETE A VARIETY OF FORMS FROM GOVERNMENT AND PRIVATE INSTITUTIONS. THESE INCLUDE HOUSING FORMS, SOCIAL SECURITY INQUIRES, EMPLOYMENT VERIFICATIONS, ETC. A COPY OF EACH FORM IS KEPT WITH THE EMPLOYEE'S RECORDS.

### **WITHHOLDING TAX DEPOSITS**

THE FISCAL AGENT MAKES DEPOSITS OF WITHHELD TAXES WITHIN THREE BUSINESS DAYS FOLLOWING THE PAYROLL DISTRIBUTION DATE:

- FEDERAL DEPOSITS ARE FORWARDED TO THE IRS ELECTRONICALLY, ALONG WITH THE SCHEDULE INDICATING PAYMENT FOR EACH TAXPAYER
- STATE AND CITY DEPOSITS ARE PAID BY THE FISCAL AGENT'S CHECK AND FORWARDED TO THE NYS DEPARTMENT OF TAXATION ALONG WITH THE APPLICABLE FORMS NYS-1-MN INDICATING A LIABILITY FOR EACH TAXPAYER.

### **TAX REPORTS:**

THE FISCAL AGENT GENERATES ENUMERATED TAX REPORTS FOR EACH TAXPAYER, BASED ON THE RECORDS INDICATING PAYROLL PROCESSED BY THE FISCAL AGENT:

- |                                   |                    |
|-----------------------------------|--------------------|
| • FEDERAL FORM 941 A&B            | PREPARED QUARTERLY |
| • STATE FORMS NYS-45 & NYS-45-ATT | PREPARED QUARTERLY |
| • FEDERAL FORMS W-2 AND W-3       | PREPARED YEARLY    |
| • FEDERAL FORMS 1099 AND 1096     | PREPARED YEARLY    |

TO DETERMINE THE FISCAL AGENT OR CBO RESPONSIBILITY FOR TAX REPORTING AND PAYMENTS, THE CBO NEEDS TO COMPLETE THE "TAXPAYER STATUS" FORM AND INDICATE WHETHER THE CBO IS SINGLE OR MULTI-FUNDED WITH REGARD TO PAYROLL.

### **SINGLE-FUNDED CBO**

A CBO THAT HAS SALARIES AND WAGES PAID *ONLY THROUGH THE DYCD GRANT MANAGED BY THE FISCAL AGENT* IS FISCAL AGENT RFP— PIN 26012FIAGRFP

CONSIDERED SINGLE-FUNDED.

QUARTERLY AND ANNUAL WITHHOLDING TAX REPORTS ARE COMPLETED BY THE FISCAL AGENT AND FILED WITH THE IRS, NYS DEPARTMENT OF TAXATION AND SOCIAL SECURITY ADMINISTRATION. THE FISCAL AGENT ALSO HANDLES ALL INQUIRIES PERTAINING TO THESE TAX REPORTS AND TAX PAYMENTS.

FORM W-2 IS FORWARDED TO THE CBO FOR DISTRIBUTION TO ITS EMPLOYEES. THE CBO RETAINS A SET OF COPIES.

FORMS 1099 AND 1096 FOR A SINGLE-FUNDED CBO ARE ALSO COMPLETED BY THE FISCAL AGENT AND FILED WITH IRS AND SENT TO THE INDIVIDUAL TAXPAYERS. COPIES ARE FORWARDED TO THE CBO.

### **MULTI-FUNDED CBO**

A CBO THAT HAS SALARIES AND WAGES PAID THROUGH THE DYCD GRANT MANAGED BY THE FISCAL AGENT AND THROUGH ANY OTHER PAYROLL SERVICE IS CONSIDERED MULTI-FUNDED.

THE FISCAL AGENT PREPARES PARTIAL QUARTERLY TAX REPORTS AND MARKS THESE REPORTS AS “INCOMPLETE.” INFORMATION IN THESE PARTIAL REPORTS REFLECTS ONLY PAYROLL AND RELATED TAXES PROCESSED BY THE FISCAL AGENT. THE CBO IS RESPONSIBLE FOR COMPLETING THE CONSOLIDATED TAX REPORTS AND FILING THESE WITH THE AUTHORITIES. THE CBO IS ALSO RESPONSIBLE FOR TOTAL TAX PAYMENTS AND FOR HANDLING ANY TAX RELATED INQUIRIES.

ORIGINALS OF FORMS W-2, W-3, 1099 AND 1096 ARE FORWARDED TO THE CBO FOR DISTRIBUTION AND FILING WITH THE AUTHORITIES. THE CBO RETAINS A SET OF COPIES.

DUE TO THE NON-PROFIT STATUS 501C (3) DETERMINATION, ALL CBOs ARE EXEMPT FROM FEDERAL, STATE, CITY AND FUTA BUSINESS TAXES, BUT ARE RESPONSIBLE FOR ANY PENALTY & INTEREST ASSESSED DUE TO A LATE TAX FILING AND/OR PAYMENT.

### **TIME AND LEAVE POLICY**

EACH RECIPIENT OF A DYCD GRANT IS CONSIDERED A SEPARATE AND AUTONOMOUS ENTITY GOVERNING ITS OWN AFFAIRS. CONSEQUENTLY, STAFF IS EMPLOYED BY THE CBO ONLY, AND THE CBO ALONE IS RESPONSIBLE FOR THEIR WORK, DIRECTION AND COMPENSATION. ACCORDINGLY, THE CBO IS LIABLE FOR ANY OBLIGATION INCURRED IN CONNECTION WITH THE SUSPENSION OR TERMINATION OF ANY OF ITS EMPLOYEES. THIS POLICY SETS FORTH THE MAXIMUM TIME AND LEAVE PERMITTED BY A CBO FOR ITS EMPLOYEES, WHOSE SALARIES ARE BUDGETED IN ITS CONTRACT WITH DYCD.

### **ANNUAL LEAVE TIME**

FULL TIME EMPLOYEES (WHO WORK 35 BUDGETED HOURS OR MORE PER WEEK) WHO WERE HIRED PRIOR TO OCTOBER 1, 1986 SHALL ACCRUE 1-2/3 DAYS PER MONTH FOR ANNUAL LEAVE FOR A TOTAL OF 20 DAYS PER YEAR.

FULL-TIME EMPLOYEES HIRED ON OR AFTER OCTOBER 1, 1986 SHALL ACCRUED ANNUAL LEAVE AS FOLLOWS:

YEARS IN SERVICES	ANNUAL LEAVE	MONTHLY ACCRUAL
AT THE BEGINNING OF THE EMPLOYEE'S 1ST YEAR	10 WORK DAYS	1 DAY PER MONTH AFTER THE FIRST 2 MONTHS
AT THE BEGINNING OF THE EMPLOYEE'S 2ND YEAR	13 WORK DAYS	1 DAY PER MONTH PLUS 1 ADDITIONAL DAY AT THE END OF THE 2ND YEAR

AT THE BEGINNING OF THE EMPLOYEE'S 3RD YEAR	13 WORK DAYS	1 DAY PER MONTH PLUS 1 ADDITIONAL DAY AT THE END OF THE 3RD YEAR
AT THE BEGINNING OF THE EMPLOYEE'S 4TH YEAR	15 WORK DAYS	1 1/4 DAYS PER MONTH
AT THE BEGINNING OF THE EMPLOYEE'S 5TH YEAR	20 WORK DAYS	1 2/3 DAYS PER MONTH

**HOLIDAYS**

THE FOLLOWING ARE THE LEGAL HOLIDAYS OFFICIALLY OBSERVED:

- |                               |                  |
|-------------------------------|------------------|
| NEW YEARS DAY                 | COLUMBUS DAY     |
| MARTIN LUTHER KING'S BIRTHDAY | ELECTION DAY     |
| PRESIDENT'S DAY               | VETERANS DAY     |
| MEMORIAL DAY                  | THANKSGIVING DAY |
| INDEPENDENCE DAY              | CHRISTMAS DAY    |
| LABOR DAY                     |                  |

**SICK LEAVE**

FULL-TIME EMPLOYEES SHALL ACCRUE ONE DAY PER MONTH FOR SICK LEAVE FOR A TOTAL OF 12 DAYS PER YEAR. SICK LEAVE FOR PART-TIME EMPLOYEES SHALL BE ACCRUED ON A PRORATED BASIS IN PROPORTION TO THE SCHEDULED NUMBER OF HOURS WORKED.

SICK LEAVE CAN BE USED ONLY FOR AN EMPLOYEE'S OWN ILLNESS. THE CBO'S AUTHORIZED REPRESENTATIVE OR DESIGNEE MAY AT ANY TIME REQUIRE AN EMPLOYEE TO PROVIDE A DOCTOR'S NOTE DOCUMENTING ILLNESS. HOWEVER, MEDICAL DOCUMENTATION IS *MANDATORY* WHEN SICK LEAVE EXCEEDS *THREE* CONSECUTIVE DAYS.

**COMPENSATORY TIME**

COMPENSATORY TIME IS DEFINED AS TIME WORKED IN EXCESS OF BUDGETED HOURS. ONE HOUR OF COMPENSATORY TIME IS EARNED FOR EVERY HOUR OF AUTHORIZED OVERTIME WORKED. ALL DULY APPROVED OVERTIME EARNED SHALL BE LIQUIDATED IN THE FORM OF COMPENSATED TIME ONLY.

EXECUTIVE EMPLOYEES SHALL NOT RECEIVE COMPENSATORY TIME. EXECUTIVE EMPLOYEES ARE DEFINED UNDER THE FOLLOWING TITLES:

- EXECUTIVE DIRECTOR
- DEPUTY DIRECTOR
- ASSOCIATE DIRECTOR
- ASSISTANT DIRECTOR
- PROGRAM DIRECTOR
- PROGRAM COORDINATOR

THE DEPARTMENT OF STATE/DIVISION OF ECONOMIC OPPORTUNITY, WHICH IS PRESENTLY ADMINISTERING GRANT FUNDS, HAS MANDATED THAT ANNUAL LEAVE OR COMPENSATORY TIME BALANCES MAY NOT BE CARRIED FROM ONE FISCAL YEAR TO ANOTHER. CONSEQUENTLY, ANNUAL LEAVE AND COMPENSATORY TIME EARNED DURING A PROGRAM YEAR MUST BE EXHAUSTED BY THE END OF THE BUDGET PERIOD. UNUSED BALANCES OF SICK LEAVE MAY BE CARRIED INTO SUCCESSIVE PROGRAM YEARS. HOWEVER, THERE IS NO COMPENSATION FOR UNUSED SICK LEAVE.

## **MATERNITY LEAVE**

BOTH FULL-TIME AND PART-TIME EMPLOYEES ARE ELIGIBLE FOR PAID MATERNITY LEAVE DISABILITY UNDER THE FRINGE BENEFITS PACKAGE FOR A PERIOD OF NOT LONGER THAN SIX WEEKS. UP TO SIX WEEKS ARE PAYABLE UPON MEDICAL PROOF OF COMPLICATIONS.

THE EMPLOYEE AND DOCTOR MUST COMPLETE A “NOTICE AND PROOF OF CLAIM FOR DISABILITY BENEFITS” FORM AND SUBMIT IT TO THE FISCAL AGENT IN ORDER TO APPLY FOR DISABILITY BENEFITS. DISABILITY BENEFITS BEGIN AFTER THE EMPLOYEE HAS EXHAUSTED ALL ACCRUED SICK LEAVE TIME OR ON THE SEVENTH DAY AFTER THE DISABILITY BEGAN, WHICHEVER IS LONGER.

THE EMPLOYEE CANNOT BE TERMINATED WHILE ON THE FIRST SIX WEEKS OF DISABILITY MATERNITY LEAVE AND IS ENTITLED TO ALL ELIGIBLE BENEFITS. THE EMPLOYEE MAY EXTEND MATERNITY LEAVE LONGER THAN THE SIX WEEKS IF IT IS MUTUALLY AGREEABLE TO THE CBO DIRECTOR. HOWEVER, THE EMPLOYEE WILL NOT BE ENTITLED TO RECEIVE BENEFITS.

## **DISABILITY**

BOTH FULL-TIME AND PART-TIME EMPLOYEES ARE ELIGIBLE FOR PAID DISABILITY INSURANCE UNDER THE FRINGE BENEFITS PACKAGE UP TO A PERIOD OF TWENTY-SIX WEEKS. THE EMPLOYEE AND HIS/HER DOCTOR MUST COMPLETE A “NOTICE AND PROOF OF CLAIM FOR DISABILITY BENEFITS” FORM AND SUBMIT IT TO THE FISCAL AGENT IN ORDER TO APPLY FOR DISABILITY BENEFITS. DISABILITY BENEFITS BEGIN AFTER THE EMPLOYEE HAS EXHAUSTED ALL OF HIS/HER ACCRUED SICK LEAVE OR ON THE SEVENTH DAY AFTER THE DISABILITY BENEFITS BEGAN, WHICHEVER IS LONGER.

## **DEATH IN THE FAMILY**

ABSENCE SHALL BE EXCUSABLE WITHOUT CHARGE TO SICK LEAVE OR ANNUAL LEAVE BALANCES, NOT TO EXCEED FOUR WORKDAYS, IN THE CASE OF DEATH IN THE IMMEDIATE FAMILY. IMMEDIATE FAMILY SHALL BE DEFINED FOR THIS PURPOSE AS SPOUSE, NATURAL, FOSTER, OR STEP PARENT, CHILD, BROTHER OR SISTER; FATHER-IN-LAW; MOTHER-IN-LAW, OR ANY RELATIVE INCLUDING RELATIVE-IN-LAW RESIDING IN THE HOUSEHOLD OF THE EMPLOYEE. DOCUMENTATION IS REQUIRED UNDER THIS CATEGORY.

THE FOUR DAYS SHOULD IMMEDIATE FOLLOW THE DEATH. IF TWO DEATHS OCCUR WITHIN THE FOUR-DAY ABSENCE, THE NEW FOUR-DAY PERIOD WILL RUN CONCURRENTLY WITH THE FIRST.

## **C. CONSULTANTS/ CONTRACTORS/CONDUITS/SUBCONTRACTORS/ STIPENDS**

### **CONSULTANTS**

#### **1. CONSULTANTS**

CONSULTANTS HIRED FOR A FEE PER HOUR/DAY/WEEK SHOULD PRESENT TO THE CBO THE TIME-SHEETS FOR THE CONTRACT PERIOD INDICATING THE TIME COMMITTED AND THE CHARGES. TIME-SHEETS CAN BE SUBSTITUTED BY AN ITEMIZED INVOICE PROVIDING THE REQUIRED INFORMATION.

CONSULTANTS HIRED FOR AN EVENT/ PERFORMANCE SHOULD PRESENT AN INVOICE INDICATING THE DATE OF THE EVENT AND SERVICES PROVIDED. INVOICE CAN BE SUBSTITUTED BY AN AGREEMENT/CONTRACT INDICATING THE REQUIRED INFORMATION.

*TIME-SHEETS AND INVOICES SHOULD PROVIDE THE CONSULTANT’S NAME AND ADDRESS AND SS/TIN NUMBER FOR 1099 PURPOSES. THEY SHOULD BE SIGNED BY THE CONSULTANT AND APPROVED BY THE CBO AUTHORIZED REPRESENTATIVE.*

*UNDER NO CIRCUMSTANCES SHOULD THE CBO PAY A CONSULTANT WITHOUT DOCUMENTING THE CHARGES.*

*NOTE: IF THE CBO BELIEVES A CONSULTANT’S SERVICES ARE REQUIRED FOR AN EXTENDED PERIOD, SUCH AN INDIVIDUAL FISCAL AGENT RFP— PIN 26012FIAGRFP*

MUST BE HIRED AS AN EMPLOYEE.

## 2. SUB-CONTRACTORS

PROGRAMMATIC SERVICES PROVIDED BY ANOTHER BUSINESS ENTITY MAY BE DOCUMENTED BY A SUB-CONTRACTOR AGREEMENT DESCRIBING THE SCOPE OF SERVICES, PERIOD AND A RATE OF PAY AND AN INVOICE SIGNED BY A SUB-CONTRACTOR AND APPROVED BY THE CBO EXECUTIVE DIRECTOR.

## 3. STIPENDS

THE STIPEND VOUCHER FORM SHOULD BE COMPLETED AND SIGNED BY THE PARTICIPANT AND CBO EXECUTIVE DIRECTOR. THE CBO'S RECORDS CAN BE SUBSTITUTED WHEN THEY PROVIDE THE SAME INFORMATION AS THE STIPEND VOUCHER.

## 4. VENDORS

NON – PROGRAMMATIC SERVICES PROVIDED BY ANOTHER BUSINESS ENTITY MAY BE DOCUMENTED BY THE VENDOR'S AGREEMENT DESCRIBING THE SCOPE OF SERVICES, PERIOD, RATE OF PAY, AND AN INVOICE SIGNED BY A VENDOR AND APPROVED BY THE CBO EXECUTIVE DIRECTOR. AN ITEMIZED INVOICE INDICATING THE REQUIRED INFORMATION CAN BE SUBSTITUTED.

## **D. OTHER THAN PERSONNEL SERVICES (OTPS)**

### **DIRECT PAYMENTS TO MERCHANTS**

ALL INVOICES ARE TIME STAMPED WITH THE FISCAL AGENT'S CLOCK TO DOCUMENT THE DATE OF RECEIPT. VERIFICATION OF EACH INVOICE INCLUDES BUT IS NOT LIMITED TO:

- INVOICE MUST BE ISSUED TO THE CBO'S NAME AND ADDRESS. IT HAS TO BE A DATED *ORIGINAL* AND CONFORM TO DYCD GUIDELINES. THIS INCLUDES SUPPORTING DOCUMENTATION (E.G. BIDS). INVOICES EXCEEDING A THRESHOLD DETERMINED IN THE DYCD FISCAL MANUAL SHOULD HAVE BIDS (OFFERS FROM THE COMPETITIVE MERCHANTS) ATTACHED IN ORDER TO BE ACCEPTED FOR PROCESSING.
- ANY INVOICE ISSUED TO THE INDIVIDUAL'S NAME IS A SUBJECT OF REJECTION, UNLESS THE BOARD MEMBER SUBMITS AN EXPLANATORY MEMO STATING THAT INVOICED EXPENSES ARE UTILIZED BY THE CBO AND FOR THE PROGRAM'S BENEFIT.
- INVOICE MUST BE AUTHORIZED FOR PAYMENT BY THE *ORIGINAL SIGNATURE* OF THE CBO DIRECTOR OR CHAIRPERSON.
- INVOICE MUST INCLUDE A CLEAR DESCRIPTION OF THE ITEM PURCHASED IN ORDER TO ASSURE A CORRECT QUALIFICATION OF THE EXPENDITURE TO THE PARTICULAR BUDGET CATEGORY.
- THE TOTAL DUE AMOUNT MUST BE MATHEMATICALLY CORRECT. ONLY A CURRENT CHARGE IS ELIGIBLE FOR PAYMENT. ANY BALANCE DUE FROM PREVIOUS MONTHS HAS TO BE SUPPORTED BY ORIGINAL BILLS FOR THAT PERIOD.
- A VALID LEASE AGREEMENT SIGNED BY THE LANDLORD AND THE CBO DIRECTOR IS NECESSARY FOR PROCESSING THE RECURRENT RENT PAYMENTS. IT CAN BE SUBSTITUTED BY A LETTER FROM THE LANDLORD PROVIDING THE

NECESSARY INFORMATION (LEASE TERM, MONTHLY CHARGES).

- A CBO WITH MORE THAN ONE DYCD PROGRAM SHALL INSTRUCT THE FISCAL AGENT ON HOW TO CHARGE PARTICULAR PROGRAMS WITH THE PAYMENTS PROCESSED.

ALL OTPS PAYMENTS ARE MAILED OUT DIRECTLY TO THE MERCHANTS, UNLESS THE CBO REQUESTS OTHERWISE BY INDICATING IT ON THE INVOICE.

PLEASE NOTE: SOME PAYMENTS TO MERCHANTS ARE BASED ON ORDER FORMS OR QUOTATIONS. AN ORIGINAL INVOICE/CASHIER'S RECEIPT HAS TO BE SUBMITTED TO THE FISCAL AGENT UPON RECEIVING GOODS OR SERVICES BY THE CBO. TO AVOID DUPLICATE PAYMENTS, THE CBO SHALL MARK THE INVOICE AS "PROCESSED". IF THE CBO DID NOT RECEIVE AN ORIGINAL INVOICE THE FISCAL AGENT MAY ALSO ACCEPT AN ORDER ALONG WITH AN ITEMIZED DELIVERY SLIP.

*NOTE: PROOF OF DELIVERY IS REQUIRED FOR ALL INVOICES DATED ON (OR 3 DAYS BEFORE) JUNE 30.*

### **E. DIRECT REIMBURSEMENT TO THE CBO FOR EXPENSES ALREADY PAID**

IT IS A GENERAL POLICY THAT ALL EXPENSES PAYABLE FROM DYCD GRANT SHOULD BE PROCESSED BY THE FISCAL AGENT AND DISTRIBUTED DIRECTLY TO THE RECIPIENTS. THERE ARE THREE EXCEPTIONS TO THAT POLICY:

- THE CBO BEGAN ITS PROGRAM EARLIER THAN THE CONTRACT HAD BEEN REGISTERED. TO OPERATE WITHOUT AN INTERRUPTION, IT WAS NECESSARY FOR THE CBO TO PRE-PAY CERTAIN EXPENSES TOWARD THE GRANT'S BUDGET.
- THE CBO IS A MULTI-FUNDED ORGANIZATION THAT USES ITS OWN PAYROLL SERVICE FOR THE ENTIRE AGENCY. IT IS UNDERSTOOD THAT CHANGING PAYROLL SERVICE JUST FOR THE DYCD GRANT WOULD BE COUNTER TO THE CBO'S INTEREST AND WOULD COMPLICATE THE PREPARATION OF ITS TAX RETURNS.
- THE CBO PAID FOR PETTY CASH EXPENSES.

*DIRECT REIMBURSEMENT IS MADE TO THE CBO'S NAME AND IS PROCESSED BASED ON THE SAME DOCUMENTS THAT ARE REQUIRED FOR PROCESSING PAYMENTS TO EMPLOYEES AND/OR VENDORS/ MERCHANTS.*

*ADDITIONALLY, SINCE A REIMBURSEMENT IS A REFUND OF THE CBO'S MONEY ADVANCED FOR THE PROGRAM EXPENSES, EACH TRANSACTION HAS TO BE DOCUMENTED AS PAID BY THE CBO.*

AN ACCEPTABLE PROOF OF PAYMENT INCLUDES: A COPY OF CANCELLED CHECK (OR WRITTEN CHECK AND A COPY OF THE BANK STATEMENT); A COPY OF THE CREDIT CARD STATEMENT; A COPY OF THE BANK STATEMENT FOR DIRECT DEBITS. *IN CASE OF THE CASH PAYMENTS AN INVOICE SHOULD BE CONFIRMED BY A MERCHANT AS PAID IN CASH.*

**FOR A REIMBURSEMENT OF SALARIES AND WAGES** PAID THROUGH THE CBO'S PAYROLL SERVICE OR BY THE CBO ITSELF THE ENUMERATED DOCUMENTS ARE REQUIRED:

1. COVER LETTER REQUESTING A REIMBURSEMENT AND INDICATING NAME, TITLE, PAY PERIOD AND SALARIES/WAGES PAID TO EACH EMPLOYEE
  2. COPIES OF CANCELLED CHECKS AND A COPY OF PAYROLL REGISTER (OR A COPY OF DIRECT DEPOSIT REGISTER INDICATING THE VOUCHER #)
  3. A SIGNED COPY OF FORM W4 FOR EACH EMPLOYEE
  4. AN APPROVED PERSONNEL ACTION FORM (OR HIRE FORM) FOR EACH EMPLOYEE
  5. A SIGNED AND APPROVED COPY OF TIME-SHEETS (TIME-CARDS OR OTHER TIME-RECORDS) THAT WERE USED TO
- FISCAL AGENT RFP— PIN 26012FIAGRFP

CALCULATE PAYMENT.

**NOTE: SALARIES AND WAGES ARE REIMBURSABLE BASED ON THE DYCD BUDGET DETAIL.**

**FRINGES** CAN BE REIMBURSED ONLY FOR THE EMPLOYEES PAID FROM THE PARTICULAR DYCD CONTRACT. PROOF OF PAYMENT MUST BE MADE FOR FICA TAX, UNEMPLOYMENT INSURANCE TAX, DISABILITY AND WORKER'S COMPENSATION CLAIMS. COPIES OF APPROPRIATE CANCELLED CHECKS AND A DOCUMENT INDICATING COST CALCULATIONS, FOR EXAMPLE A SPREADSHEET, PAYROLL SERVICE REGISTER OR A COPY OF THE TAX RETURN, MAY CONSTITUTE THIS PROOF.

ANY INSURANCE PAYMENT REQUIRES A SUBMISSION OF THE POLICY INDICATING THE PERIOD AND THE AMOUNT OF THE PARTICULAR INSURANCE OR AN INVOICE. A COPY OF THE CANCELLED CHECK IS ALSO REQUIRED.

**SECTION FOUR – APPENDIX**

**FORMS USED BY FISCAL AGENT IN COMPLIANCE WITH DYCD POLICY**  
(NOT INCLUDED IN DYCD FISCAL MANUAL)

PAYROLL FORMS TRANSMITTAL	PAGE:
PERSONNEL ACTION FORM	PAGE:
NEW HIRE NOTIFICATION	PAGE:
EMPLOYEE TIME-SHEET	PAGE:
EMPLOYEE TERMINATION FORM	PAGE:
TAXPAYER DECLARATION	PAGE:
AUTHORIZED SIGNATURES FORM	PAGE:
PETTY CASH FUND REQUEST	PAGE:
LOCAL TRAVEL EXPENSE SCHEDULE	PAGE:

## Appendix B: Transaction Chart

RFP Title: Fiscal Agent

PIN: 26012FIAGRFP

CBO Contract Value Category	Distinct Providers	Estimated Total Budget Amount	Estimated Payroll Amount	Estimated OTPS Amount	Total Estimated Number of Claims	Estimated Number of PS Claims	Estimated Number of OTPS Claims
\$2,500 - \$25,000	800	\$5,000,000	\$2,000,000	\$3,000,000	1,500	400	1,100
\$25,001 - \$50,000	10	\$400,000	\$200,000	\$200,000	100	60	40
\$50,001 - \$100,000	5	\$350,000	\$250,000	\$100,000	40	30	10
\$100,001 - \$200,000	5	\$750,000	\$500,000	\$250,000	75	40	35
\$200,001 - \$300,000	5	\$1,250,000	\$850,000	\$400,000	50	25	25
\$300,001 - \$400,000	2	\$700,000	\$400,000	\$300,000	25	15	10
\$400,001 - \$500,000	2	\$1,000,000	\$800,000	\$200,000	30	20	10
Over \$500,000	1	\$1,200,000	\$900,000	\$300,000	85	40	45
<b>Totals</b>	<b>830</b>	<b>\$ 10,650,000</b>	<b>\$5,900,000</b>	<b>\$4,750,000</b>	<b>1,905</b>	<b>630</b>	<b>1,275</b>

# Attachment 1: Proposal Summary Form

**RFP Title: Fiscal Agent**

**PIN: 26012FIAGRFP**

Proposing Organization: \_\_\_\_\_ EIN: \_\_\_\_\_

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

\_\_\_\_\_ City State Zip Code

Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_

Contact E-mail: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Is the response printed on both sides, on recycled paper containing the minimum percentage of recovered fiber content as requested by the City in the instructions to this solicitation?  Yes  No

**Authorized Representative**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

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

## Attachment 2: Corporate Governance Certification

RFP Title: Fiscal Agent

PIN: 26012FIAGRFP

To enter into a contract with DYCD, each organization must certify that its organizational capability is sufficient to support the services it has contracted to provide. To certify, complete the form below, including the attached list of the members of the Board of Directors, with the name, title, address, telephone number, and e-mail address of each member.

---

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I, \_\_\_\_\_, am the Chairperson of the Board of \_\_\_\_\_ (“Proposer”), a not-for-profit organization that has proposed to provide certain youth or community development services. I hereby certify that the Proposer:

1. Is governed by a Board of Directors, whose names and addresses are fully and accurately set forth on the attached list.
2. Maintains its corporate books and records, including minutes of each meeting, at the Proposer address stated on the Proposal Summary Form (Attachment 1 of this RFP).
3. Has held in the past 12 months \_\_\_\_\_ meetings of the Board of Directors at which a quorum was present.
4. Reviews, at least annually, at a meeting of the Board of Directors and has reviewed in the past 12 months each of the following topics:
  - a. Executive compensation
  - b. Internal controls, including financial controls
  - c. Audits
  - d. Program operations and outcomes.

Name of Organization (Print)

---

Name of Board Chairperson (Print)

---

Signature of Board Chairperson

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Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

NOTARY PUBLIC



## Attachment 3: Price Proposal Form

**RFP Title: Fiscal Agent**

**PIN: 26012FIAGRFP**

**Name of Proposer:** \_\_\_\_\_

Read the instructions below for each Fiscal Agent Category A and B. Enter the result of each total amount for each Fiscal Agent category on the line at the bottom of the form.

**Category A: Fiscal Agent Services to contractors:**

For each dollar value sub-category (A1-A8)

1. Enter the proposed fee per contract
2. Multiply that fee by the Number of Distinct Providers for FY 2012
3. Enter the result in the “Category Total” column
4. Add the Category Totals and enter that amount (Total Amount for Category A) on the line provided below the chart. Your fees should be based on the schedule of Transactions chart provided in Appendix B.

Value of Sub-Category	Contract Value	Proposed Fee Per Contract	Estimated Number of Distinct Providers for FY 2012*	Category A Total
A1.	\$ 2,500-\$25,000	\$	800	\$
A2.	\$25,001-\$50,000	\$	10	\$
A3.	\$50,001-\$100,000	\$	5	\$
A4.	\$100,001-\$200,000	\$	5	\$
A5.	\$200,001-\$300,000	\$	5	\$
A6.	\$300,001-\$400,000	\$	2	\$
A7.	\$401,000-\$500,000	\$	2	\$
A8.	Over \$500,000	\$	1	\$

\*The estimated number of providers is for comparison purposes only; the actual number may vary.

**Total Proposed Amount for Category A = \$** \_\_\_\_\_  
(Maximum funding = \$489,500)

**Category B: Stipend/Fee Payments**

For the chart below:

1. Enter the Proposed Fee Per Check
2. Multiply that fee by the Estimated Number of Transactions in FY 2012
3. Enter the result in the “Category C Total” column
4. Enter that amount (Category B Total) on the line provided below the chart.

Proposed Fee Per Check	Estimated Number of Transactions in FY 2012*	Category C Total
\$	1,000	\$

\*The estimated number of transactions is for comparisons purposes only; the actual number of transactions may vary.

**Category B Total = \$** \_\_\_\_\_  
(Maximum funding = \$10,000)

**Grand Total for Category A + Category B = \$** \_\_\_\_\_  
(Maximum funding = \$499,500)



# Doing Business Data Form

To be completed by the City Agency prior to distribution			
Agency: _____		Transaction ID: _____	
<b>Check One:</b> <input type="checkbox"/> Proposal <input type="checkbox"/> Award	<b>Transaction Type (check one):</b> <input type="checkbox"/> Concession <input type="checkbox"/> Contract <input type="checkbox"/> Economic Development Agreement <input type="checkbox"/> Franchise <input type="checkbox"/> Grant <input type="checkbox"/> Pension Investment Contract		

Any entity receiving, applying for or proposing on an award or agreement must complete a Doing Business Data Form (see Q&A sheet for more information). Please either type responses directly into this fillable form or print answers by hand in black ink, and be sure to fill out the certification box on the last page. **Submission of a complete and accurate form is required for a proposal to be considered responsive or for any entity to receive an award or enter into an agreement.**

This Data Form requires information to be provided on principal officers, owners and senior managers. The name, employer and title of each person identified on the Data Form will be included in a public database of people who do business with the City of New York; no other information reported on this form will be disclosed to the public. **This Data Form is not related to the City's VENDEX requirements.**

**Please return the completed Data Form to the City Agency that supplied it.** Please contact the Doing Business Accountability Project at [DoingBusiness@cityhall.nyc.gov](mailto:DoingBusiness@cityhall.nyc.gov) or 212-788-8104 with any questions regarding this Data Form. Thank you for your cooperation.

## Section 1: Entity Information

Entity Name: \_\_\_\_\_

Entity EIN/TIN: \_\_\_\_\_

### Entity Filing Status (select one):

- Entity has never completed a Doing Business Data Form. *Fill out the entire form.*
- Change from previous Data Form dated \_\_\_\_\_. *Fill out only those sections that have changed, and indicate the name of the persons who no longer hold positions with the entity.*
- No Change from previous Data Form dated \_\_\_\_\_. *Skip to the bottom of the last page.*

Entity is a Non-Profit:     Yes     No

Entity Type:     Corporation (any type)     Joint Venture     LLC     Partnership (any type)  
 Sole Proprietor     Other (specify): \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone : \_\_\_\_\_ Fax : \_\_\_\_\_

E-mail: \_\_\_\_\_

Provide your e-mail address and/or fax number in order to receive notices regarding this form by e-mail or fax.

**Section 2: Principal Officers**

Please fill in the required identification information for each officer listed below. If the entity has no such officer or its equivalent, please check "This position does not exist." If the entity is filing a Change Form and the person listed is replacing someone who was previously disclosed, please check "This person replaced..." and fill in the name of the person being replaced so his/her name can be removed from the *Doing Business Database*, and indicate the date that the change became effective.

**Chief Executive Officer (CEO) or equivalent officer**

This position does not exist

The highest ranking officer or manager, such as the President, Executive Director, Sole Proprietor or Chairperson of the Board.

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

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

This person replaced former CEO: \_\_\_\_\_ on date: \_\_\_\_\_

**Chief Financial Officer (CFO) or equivalent officer**

This position does not exist

The highest ranking financial officer, such as the Treasurer, Comptroller, Financial Director or VP for Finance.

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

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

This person replaced former CFO: \_\_\_\_\_ on date: \_\_\_\_\_

**Chief Operating Officer (COO) or equivalent officer**

This position does not exist

The highest ranking operational officer, such as the Chief Planning Officer, Director of Operations or VP for Operations.

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

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

This person replaced former COO: \_\_\_\_\_ on date: \_\_\_\_\_

For information or assistance, call the Doing Business Accountability Project at 212-788-8104.

**Section 3: Principal Owners**

Please fill in the required identification information for all individuals who, through stock shares, partnership agreements or other means, **own or control 10% or more of the entity**. If no individual owners exist, please check the appropriate box to indicate why and skip to the next page. If the entity is owned by other companies, those companies do **not** need to be listed. If an owner was identified on the previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list any individuals who are no longer owners at the bottom of this page. If more space is needed, attach additional pages labeled "Additional Owners."

**There are no owners listed because (select one):**

- The entity is not-for-profit
- There are no individual owners
- No individual owner holds 10% or more shares in the entity
- Other (explain): \_\_\_\_\_

**Principal Owners (who own or control 10% or more of the entity):**

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

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

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

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

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

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

**Remove the following previously-reported Principal Owners:**

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

**Section 4: Senior Managers**

Please fill in the required identification information for all senior managers who oversee any of the entity's relevant transactions with the City (e.g., contract managers if this form is for a contract award/proposal, grant managers if for a grant, etc.). Senior managers include anyone who, either by title or duties, has substantial discretion and high-level oversight regarding the solicitation, letting or administration of any transaction with the City. **At least one senior manager must be listed, or the Data Form will be considered incomplete.** If a senior manager has been identified on a previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list individuals who are no longer senior managers at the bottom of this section. If more space is needed, attach additional pages labeled "Additional Senior Managers."

**Senior Managers:**

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

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

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

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

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

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

**Remove the following previously-reported Senior Managers:**

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

**Certification**

I certify that the information submitted on these four pages and \_\_\_\_\_ additional pages is accurate and complete. I understand that willful or fraudulent submission of a materially false statement may result in the entity being found non-responsible and therefore denied future City awards.

Name: \_\_\_\_\_

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

Entity Name: \_\_\_\_\_

Title: \_\_\_\_\_ Work Phone #: \_\_\_\_\_

**Return the completed Data Form to the agency that supplied it.**

For information or assistance, call the Doing Business Accountability Project at 212-788-8104.

## **ATTACHMENT 5**

### **NOTICE TO ALL PROSPECTIVE CONTRACTORS**

#### **PARTICIPATION BY MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISES IN CITY PROCUREMENT**

##### **ARTICLE I. M/WBE PROGRAM**

Local Law No. 129 of 2005 added Section 6-129 to the Administrative Code of the City of New York. The local law creates a program for participation by minority-owned and women-owned business enterprises (MBEs and WBEs) in City procurement. As stated in the Section 6-129, the intent of the program is to address the impact of discrimination on the City's procurement process, and to promote the public interest in avoiding fraud and favoritism in the procurement process, increasing competition for City business, and lowering contract costs. The contract provisions contained herein are made pursuant to Local Law 129, and the rules of the Department of Small Business Services ("DSBS") promulgated thereunder.

**If this Contract is subject to the Minority-Owned and Women-Owned Business Enterprise ("M/WBE") program created by Local Law 129, the specific requirements of M/WBE participation for this Contract are set forth in Schedule B of the Contract (entitled the "Subcontractor Utilization Plan"), and are detailed below.**

**The Contractor must comply with all applicable M/WBE requirements for this Contract.**

Article I, Part A, below, sets forth provisions related to the participation goals for construction and professional services contracts.

Article I, Part B, below, sets forth miscellaneous provisions related to the M/WBE program.

##### **PART A**

#### **PARTICIPATION GOALS FOR CONSTRUCTION AND PROFESSIONAL SERVICES CONTRACTS**

1. The **Target Subcontracting Percentage** applicable to this Contract is set forth on Schedule B, Part I to this Contract (see Page 1, line (1)).

The "**Target Subcontracting Percentage**" is the percentage of the total Contract which Agency anticipates that the prime contractor for this Contract would in the normal course of business award to one or more subcontractors for amounts under \$1 million for construction and professional services.

A prospective contractor may seek a full or partial pre-award waiver of the **Target Subcontracting Percentage** in accordance with Local Law 129 and Part A, Section 10 below. To apply for the a full or partial waiver of the **Target Subcontracting Percentage**, a prospective contractor must complete Part III (Page 4) of Schedule B, and must submit such request no later than seven (7) days prior to the date and time the bids or proposals are due, in writing to the Agency by e-mail at **ACCO@dycd.nyc.gov** or via facsimile at **(212) 676-8129**. Bidders/proposers who have submitted requests will receive a response by no later than two (2) calendar days prior to the date bids or proposals are due, provided, however, that if that date would fall on a weekend or holiday, a response will be provided by close-of-business on the business day before such weekend or holiday date.

2. The **Subcontractor Participation Goals** established for this Contract are set forth on Schedule B, Part I to this Contract (see Page 1, line (2) and/or line (3)).

The **Subcontractor Participation Goals** represent a percentage of the total dollar value of all construction and/or professional services subcontracts under this Agreement for amounts under \$1 million.

3. If **Subcontractor Participation Goals** have been established for this Contract, Contractor agrees or shall agree as a material term of the Agreement that, with respect to the total amount of the Agreement to be awarded to one or more subcontractors pursuant to subcontracts for amounts under \$1 million, Contractor shall be subject to the **Subcontractor Participation Goals**, unless the goals are modified by Agency in accordance with Local Law 129 and Part A, Section 11 below.

4. If **Subcontractor Participation Goals** have been established for this Contract, a prospective contractor shall be required to submit with its bid or proposal, as applicable, a completed Schedule B, Part II Subcontractor Utilization Plan (see Page 2-3) indicating: (a) the percentage of work it intends to subcontract; (b) the percentage of work it intends to award to subcontractors for amounts under \$1 million; (c) in cases where the prospective contractor intends to award subcontracts for amounts under \$1 million, a description of the type and dollar value of work designated for participation by MBEs and/or WBEs; and (d) the general time frames in which such work by MBEs and/or WBEs is scheduled to occur. In the event that this Subcontractor Utilization Plan indicates that the bidder or proposer, as applicable, does not intend to award the **Target Subcontracting Percentage**, the bid or proposal, as applicable, shall be deemed non-responsive, unless Agency has granted the bidder or proposer, as applicable, a pre-award waiver of the **Target Subcontracting Percentage** in accordance with Local Law 129 and Part A, Section 10 below.

**THE BIDDER/PROPOSER MUST FULLY COMPLETE THE SUBCONTRACTOR UTILIZATION PLAN INCLUDED HEREIN (SCHEDULE B, PART II). BIDS/PROPOSALS WHICH DO NOT INCLUDE A COMPLETED SUBCONTRACTOR UTILIZATION PLAN WILL BE DEEMED TO BE NON-RESPONSIVE, UNLESS A FULL WAIVER OF THE TARGET SUBCONTRACTING PERCENTAGE IS GRANTED (SCHEDULE B, PART III). IN THE EVENT THAT THE SUBCONTRACTOR UTILIZATION PLAN (SCHEDULE B, PART II) INDICATES THAT THE BIDDER/PROPOSER DOES NOT INTEND TO AWARD THE TARGET SUBCONTRACTING PERCENTAGE, THE BID/PROPOSAL WILL BE DEEMED TO BE**

**NON-RESPONSIVE, UNLESS THE AGENCY HAS GRANTED A WAIVER OF THE TARGET SUBCONTRACTING PERCENTAGE (SCHEDULE B, PART III).**

5. Where a Subcontractor Utilization Plan has been submitted, the Contractor shall, within 30 days of issuance by Agency of a notice to proceed, submit a list of proposed persons or entities to which it intends to award subcontracts within the subsequent 12 months. In the case of multi-year contracts, such list shall also be submitted every year thereafter. In the event that the Contractor's selection of a subcontractor is disapproved, the Contractor shall have a reasonable time to propose alternate subcontractors.

6. M/WBE firms must be certified by DSBS in order for the Contractor to credit such firms' participation toward the attainment of the M/WBE participation goals. Such certification must occur prior to the firms' commencement of work as subcontractors. A list of M/WBE firms may be obtained from the DSBS website at [www.nyc.gov/getcertified](http://www.nyc.gov/getcertified), by emailing DSBS at [MWBE@sbs.nyc.gov](mailto:MWBE@sbs.nyc.gov), by calling the DSBS certification hotline at (212) 513-6311, or by visiting or writing DSBS at 110 William St., New York, New York, 10038, 7<sup>th</sup> floor. Eligible firms that have not yet been certified may contact DSBS (as indicated above) in order to seek certification.

7. Where a Subcontractor Utilization Plan has been submitted, the Contractor shall, with each voucher for payment, and/or periodically as Agency may require, submit statements, certified under penalty of perjury, which shall include, but not be limited to, the total amount paid to subcontractors (including subcontractors that are not MBEs or WBEs); the names, addresses and contact numbers of each MBE or WBE hired as a subcontractor pursuant to such plan as well as the dates and amounts paid to each MBE or WBE. The Contractor shall also submit, along with its voucher for final payment, the total amount paid to subcontractors (including subcontractors that are not MBEs or WBEs); and a final list, certified under penalty of perjury, which shall include the name, address and contact information of each subcontractor that is an MBE or WBE hired pursuant to such plan, the work performed by, and the dates and amounts paid to each.

8. If payments made to, or work performed by, MBEs or WBEs are less than the amount specified in the Contractor's Subcontractor Utilization Plan, Agency shall take appropriate action, in accordance with Local Law 129 and Article II below, unless the Contractor has obtained a modification of its Subcontractor Utilization Plan in accordance with Local Law 129 and Part A, Section 11 below.

9. Where a Subcontractor Utilization Plan has been submitted, and the Contractor requests a change order the value of which exceeds 10 percent of the Agreement, Agency shall establish participation goals for the work to be performed pursuant to the change order.

10. Pre-award waiver of **Target Subcontracting Percentage**. Agency may grant a full or partial waiver of the **Target Subcontracting Percentage** to a bidder or proposer, as applicable, who demonstrates—before submission of the bid or proposal—that it has legitimate business reasons for proposing the level of subcontracting in its Subcontractor Utilization Plan. In making its determination, Agency shall consider factors that shall include, but not be limited to, whether the bidder or proposer, as applicable, has the capacity and the bona fide intention to

perform the Contract without any subcontracting, or to perform the Contract without awarding the amount of subcontracts for under one million dollars represented by the **Target Subcontracting Percentage**. In making such determination, Agency may consider whether the Subcontractor Utilization Plan is consistent with past subcontracting practices of the bidder or proposer, as applicable, and whether the bidder or proposer, as applicable, has made good faith efforts to identify portions of the Contract that it intends to subcontract.

11. **Modification of Subcontractor Utilization Plan.** A Contractor may request a modification of its Subcontractor Utilization Plan (**Subcontractor Participation Goals**) after award of this Contract. The Agency may grant such request if it determines that the Contractor has established, with appropriate documentary and other evidence, that it made reasonable, good faith efforts to meet the **Subcontractor Participation Goals**. In making such determination, Agency shall consider evidence of the following efforts, as applicable, along with any other relevant factors:

(a) The Contractor advertised opportunities to participate in the Contract, where appropriate, in general circulation media, trade and professional association publications and small business media, and publications of minority and women's business organizations;

(b) The Contractor provided notice of specific opportunities to participate in the Contract, in a timely manner, to minority and women's business organizations;

(c) The Contractor sent written notices, by certified mail or facsimile, in a timely manner, to advise MBEs and WBEs that their interest in the Contract was solicited;

(d) The Contractor made efforts to identify portions of the work that could be substituted for portions originally designated for participation by MBEs and/or WBEs in the Subcontractor Utilization Plan, and for which the Contractor claims an inability to retain MBEs or WBEs;

(e) The Contractor held meetings with MBEs and/or WBEs prior to the date their bids or proposals were due, for the purpose of explaining in detail the scope and requirements of the work for which their bids or proposals were solicited;

(f) The Contractor made efforts to negotiate with MBEs and/or WBEs as relevant to perform specific subcontracts;

(g) Timely written requests for assistance made by the Contractor to Agency's M/WBE liaison officer and to DSBS;

(h) Description of how recommendations made by DSBS and Agency were acted upon and an explanation of why action upon such recommendations did not lead to the desired level of participation of MBEs and/or WBEs.

Agency's M/WBE officer shall provide written notice to the Contractor of the determination.

12. If **Subcontractor Participation Goals** have been established for this Contract, Agency shall evaluate and assess the Contractor's performance in meeting those goals, and such evaluation and assessment shall become part of the Contractor's overall contract performance evaluation.

## **PART B**

### **MISCELLANEOUS**

1. The Contractor shall take notice that, if this solicitation requires the establishment of a Subcontractor Utilization Plan, the resulting contract may be audited by DSBS to determine compliance with Section 6-129. See 6-129(e)(10). Furthermore, such resulting contract may also be examined by the City's Comptroller to assess compliance with the Subcontractor Utilization Plan.

2. Pursuant to DSBS rules, construction contracts that include a requirement for a Subcontractor Utilization Plan shall not be subject to the law governing Locally Based Enterprises set forth in Administrative Code Section 6-108.1.

3. DSBS is available to assist contractors and potential contractors in determining the availability of MBEs and WBEs to participate as subcontractors, and in identifying opportunities that are appropriate for participation by MBEs and WBEs in contracts.

4. Prospective contractors are encouraged to enter into joint ventures with MBEs and WBEs.

5. By submitting a bid or proposal the Contractor hereby acknowledges its understanding of the M/WBE requirements set forth herein and the pertinent provisions of Local Law 129 of 2005, and any rules promulgated thereunder, and if awarded this Contract, the Contractor hereby agrees to comply with the M/WBE requirements of this Contract and pertinent provisions of Local Law 129 of 2005, and any rules promulgated thereunder, all of which shall be deemed to be material terms of this Contract. The Contractor hereby agrees to make all reasonable, good faith efforts to solicit and obtain the participation of M/WBE's to meet the required **Subcontractor Participation Goals**.

## **ARTICLE II. ENFORCEMENT**

1. If Agency determines that a bidder or proposer, as applicable, has, in relation to this procurement, violated Section 6-129 or the DSBS rules promulgated pursuant to Section 6-129, Agency may disqualify such bidder or proposer, as applicable, from competing for this Contract and the Agency may revoke such bidder's or proposer's prequalification status, if applicable.

2. Whenever Agency believes that the Contractor or a subcontractor is not in compliance with Section 6-129 or the DSBS rules promulgated pursuant to Section 6-129, or any provision

of this Contract that implements Section 6-129, including, but not limited to any Subcontractor Utilization Plan, Agency shall send a written notice to the Contractor describing the alleged noncompliance and offering an opportunity to be heard. Agency shall then conduct an investigation to determine whether such Contractor or subcontractor is in compliance.

3. In the event that the Contractor has been found to have violated Section 6-129, the DSBS rules promulgated pursuant to Section 6-129, or any provision of this Contract that implements this Section 6-129, including, but not limited any Subcontractor Utilization Plan, Agency may determine that one of the following actions should be taken:

(a) entering into an agreement with the Contractor allowing the Contractor to cure the violation;

(b) revoking the Contractor's pre-qualification to bid or make proposals for future contracts;

(c) making a finding that the Contractor is in default of the Contract;

(d) terminating the Contract;

(e) declaring the Contractor to be in breach of Contract;

(f) withholding payment or reimbursement;

(g) determining not to renew the Contract;

(h) assessing actual and consequential damages;

(i) assess liquidated damages or reduction of fees, provided that liquidated damages may be based on amounts representing costs of delays in carrying out the purposes of the program established by Section 6-129, or in meeting the purposes of the Contract, the costs of meeting utilization goals through additional procurements, the administrative costs of investigation and enforcement, or other factors set forth in the Contract;

(j) exercise rights under the Contract to procure goods, services or construction from another contractor and charge the cost of such contract to the Contractor that has been found to be in noncompliance; or

(k) take any other appropriate remedy.

4. Whenever Agency has reason to believe that an MBE or WBE is not qualified for certification, or is participating in a contract in a manner that does not serve a commercially useful function (as defined in Section 6-129), or has violated any provision of Section 6-129, Agency shall notify the commissioner of DSBS who shall determine whether the certification of such business enterprise should be revoked.

5. Statements made in any instrument submitted to Agency pursuant to Section 6-129 shall be submitted under penalty of perjury and any false or misleading statement or omission shall be grounds for the application of any applicable criminal and/or civil penalties for perjury. The making of a false or fraudulent statement by an MBE or WBE in any instrument submitted pursuant to Section 6-129 shall, in addition, be grounds for revocation of its certification.

6. The Contractor's record in implementing its Subcontractor Utilization Plan shall be a factor in the evaluation of its performance. Whenever a contracting agency determines that a contractor's compliance with a Subcontractor Utilization Plan has been unsatisfactory, the agency shall, after consultation with the city chief procurement officer, file an advice of caution form for inclusion in VENDEX as caution data.



**ATTACHMENT 6**

THE CITY OF NEW YORK

**SCHEDULE B – Subcontractor Utilization Plan – Part I: Agency’s Target**

**This page to be completed by contracting agency**

**Contract Overview**

Pin # 26012FIAGRFP FMS Project ID#: \_\_\_\_\_

Project Title Fiscal Agent

Contracting Agency Department of Youth and Community Development

Agency Address 156 William Street City New York State NY Zip Code 10038

Contact Person Michael Owh Title Agency Chief Contracting Officer

Telephone # (212) 442-5982 Email acco@dycd.nyc.gov

**Project Description** *(attach additional pages if necessary)*

The Department of Youth and Community Development (DYCD) is seeking an appropriately qualified organization to:

- Provide fiscal agent services, including but not limited to, accounting, disbursement and reporting, payroll, and other services to approximately 800 community-based organizations (CBOs) with DYCD contracts funded by City Council discretionary funds and valued at \$25,000 or less, and approximately five organizations that are required by DYCD to use a fiscal agent due to financial inadequacies, as well as about 25 other organizations that elect to avail themselves of these services.
- Process an estimated 1,000 stipends and other related payments annually to DYCD’s approximately 44 Neighborhood Advisory Boards (NABs) and the Community Action Board (CAB).

As part of its overall responsibilities, the contractor would maintain an automated system that will enable DYCD to comply with all applicable federal, State, and City regulations; develop a manual of fiscal procedure guidelines based on DYCD’s current Fiscal Agent Manual and the selected proposer’s own internal standard accounting and payroll processing procedures. The Fiscal Agent Manual is to be utilized by all DYCD contractors receiving fiscal agent services; and the Fiscal Agent will provide each such contractor with training and assistance on those guidelines.

- (1) ✓ **Target Subcontracting Percentage**  
 Percentage of total contract dollar value that agency estimates will be awarded to subcontractors in amounts under \$1 million for construction and professional services. 30 %

**Subcontractor Participation Goals**  
*Complete and enter total for each Construction or Professional Services, or both (if applicable)*

Group	Construction	Professional Services
Black American	%	9.0 %
Hispanic American	%	5.0 %
Asian American	%	No Goal
Caucasian Female	No Goal	16.5 %
<b>Total Participation Goals</b>	<b>(2) %</b>	<b>(3) 30.5 %</b>

**SCHEDULE B – Subcontractor Utilization Plan – Part II: Bidder/Proposer Subcontracting Plan**

**This page and the next (Part II herein) are to be completed by the bidder/proposer. AFFIRMATIONS; Bidder/proposer must check the applicable boxes below, affirming compliance with M/WBE requirements.**

Bidder/proposer  AFFIRMS or  DOES NOT AFFIRM [statement below]

It is a material term of the contract to be awarded that, with respect to the total amount of the contract to be awarded, bidder/proposer will award one or more subcontracts for amounts under one million dollars, sufficient to meet or exceed the Target Subcontracting Percentage (as set forth in Part I) unless it obtains a full or partial waiver thereof, and it will award subcontracts sufficient to meet or exceed the Total Participation Goals (as set forth in Part I) unless such goals are modified by the Agency.

- Bidder/proposer  AFFIRMS that it intends to meet or exceed the Target Subcontracting Percentage (as set forth in Part I); or
- AFFIRMS that it has obtained a full/partial pre-award waiver of the Target Subcontracting Percentage (as set forth in Part I) and intends to award the modified Target Subcontracting Percentage, if any; or
- DOES NOT AFFIRM

**Section I: Prime Contractor Contact Information**

Tax ID # \_\_\_\_\_ FMS Vendor ID # \_\_\_\_\_

Business Name \_\_\_\_\_ Contact Person \_\_\_\_\_

Address \_\_\_\_\_

Telephone # \_\_\_\_\_ Email \_\_\_\_\_

**Section II: General Contract Information**

**1. Define the industry in which work is to be performed.**

- **Construction** includes all contracts for the construction, rehabilitation, and/or renovation of physical structures. This category does include CM Build as well as other construction related services such as: demolition, asbestos and lead abatement, and painting services, carpentry services, carpet installation and removal, where related to new construction and not maintenance.
- **Professional Services** are a class of services that typically require the provider to have some specialized field or advanced degree. Services of this type include: legal, management consulting, information technology, accounting, auditing, actuarial, advertising, health services, pure construction management, environmental analysis, scientific testing, architecture and engineering, and traffic studies, and similar services.

**a. Type of work on Prime Contract (Check one):**      **b. Type of work on Subcontract (Check all that apply):**

- Construction     Professional Services       Construction     Professional Services     Other

**2. What is the expected percentage of the total contract dollar value that you expect to award to all subcontracts?** \_\_\_\_\_ %

**3. Will you award subcontract(s) in amounts below \$ 1 million for construction and/or professional services contracts within the first 12 months of the notice to proceed on the contract?**       Yes     No

**Section III: Subcontractor Utilization Summary**

**IMPORTANT: If you do not anticipate that you will subcontract at the target level the agency has specified, because you will perform more of the work yourself, you must seek a waiver of the Target Subcontracting Percentage by completing p. 4).**

Step 1:	Subcontracts under \$1M (4) (construction/professional services)	Total Bid/Proposal Value	Calculated Target Subcontracting Percentage
Calculate the percentage (of your total bid) that will go towards subcontracts under \$1M for construction and/or professional services	\$ _____	\$ _____	_____ %
		÷	x 100 =
• <b>Subcontracts under \$1M (construction/professional services):</b> Enter the value you expect to award to subcontractors in dollars for amounts under \$1 million for construction and/or professional services. This value defines the amount that participation goals apply to, and will be entered into the first line of Step 2.			
• <b>Total Bid/Proposal Value:</b> Provide the dollar amount of the bid/proposal.			
• <b>Calculated Target Subcontracting Percentage:</b> The percentage of the total contract dollar value that will be awarded to one or more subcontractors for amounts under \$1 million for construction and/or professional services. <b>This percentage must equal or exceed the percentage listed by the agency on page 1, at line (1).</b>			

**NOTE: The "Calculated Target Subcontracting Percentage" MUST equal or exceed the Target Subcontracting Percentage listed by the agency on Page 1, Line (1).**

**SCHEDULE B – cont.**

**Step 2:**

Calculate value of subcontractor participation goals

**Subcontracts under \$1M**  
(construction/professional services)

a. Copy value from Step 1, line (4) – the total value of all expected subcontracts under \$1M for construction and/or professional services \$ \_\_\_\_\_

b.

- From line a. above, allocate the dollar value of "Subcontracts under \$1M" by Construction and Professional Services,
- If all subcontracts under \$1M are in one industry, enter '0' for the industry with no subcontracts.
- Amounts listed on these lines should add up to the value from line a.

	Construction	Professional Services
<b>Subcontracts under \$1M by Industry</b> \$ _____	\$ _____	\$ _____
<b>Total Participation Goals</b> x _____ %	x _____ %	x _____ %
<b>Value of Total Participation Goals</b> \$ _____	\$ _____	\$ _____

c.

- Total Participation Goals Percentages must be copied from Part I, lines (2) and (3).**

**Step 3:**

✓ **Subcontracts in Amounts Under \$1 M Scope of Work – Construction**

*Enter brief description of type(s) of subcontracts in amounts under \$1M anticipated, by type of work, not by name of subcontractor*

✓ **Subcontracts in Amounts Under \$1 M Scope of Work – Professional Services**

*Enter brief description of type(s) of subcontracts in amounts under \$1M anticipated, by type of work, not by name of subcontractor*

**Section IV: Vendor Certification and Required Affirmations**

*I hereby 1) acknowledge my understanding of the M/WBE requirements as set forth herein and the pertinent provisions of Local Law 129 of 2005, and the rules promulgated thereunder; 2) affirm that the information supplied in support of this subcontractor utilization plan is true and correct; 3) agree, if awarded this Contract, to comply with the M/WBE requirements of this Contract and the pertinent provisions of Local Law 129 of 2005, and the rules promulgated thereunder, all of which shall be deemed to be material terms of this contract; 4) agree and affirm that it is a material term of this contract that the Vendor will award subcontract(s) sufficient to meet the Target Subcontracting Percentage, unless a waiver is obtained, and the Vendor will award subcontract(s) sufficient to meet the Total Participation Goals unless such goals are modified by the Agency; and 5) agree and affirm, if awarded this contract the Vendor intends to make all reasonable, good faith efforts to meet the Target Subcontracting Percentage, or If the Vendor has obtained a waiver, the Vendor intends to solicit and obtain the participation of M/WBEs so as to meet the Total Participation Goals unless modified by the Agency.*

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Print Name** \_\_\_\_\_

**Title** \_\_\_\_\_



## Attachment 7: Acknowledgement of Addenda

RFP Title: Fiscal Agent

PIN: 26012FIAGRFP

Proposer: \_\_\_\_\_

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### **COMPLETE PART I OR PART II, WHICHEVER IS APPLICABLE.**

PART I: List below the dates of issuance for **each addendum received** in connection with this RFP:

ADDENDUM #1 DATED: \_\_\_\_\_, 2011

ADDENDUM #2 DATED: \_\_\_\_\_, 2011

ADDENDUM #3 DATED: \_\_\_\_\_, 2011

ADDENDUM #4 DATED: \_\_\_\_\_, 2011

ADDENDUM #5 DATED: \_\_\_\_\_, 2011

ADDENDUM #6 DATED: \_\_\_\_\_, 2011

ADDENDUM #7 DATED: \_\_\_\_\_, 2011

ADDENDUM #8 DATED: \_\_\_\_\_, 2011

PART II: Check, if applicable.

\_\_\_\_\_ NO ADDENDUM WAS RECEIVED IN CONNECTION WITH THIS RFP.

DATE \_\_\_\_/\_\_\_\_/\_\_\_\_

PROPOSER (NAME): \_\_\_\_\_

PROPOSER (SIGNATURE): \_\_\_\_\_