Table of Contents
   A. WIOA ISY “Needs Additional Assistance” Barrier Documentation.........................3
   B. WIOA OSY “Needs Additional Assistance” Barrier Documentation......................4
   C. ACCES-VR Cooperative Agreements.........................................................................................5
   D. Local Plan Attachment A: Units of Local Government.........................................................12
   E. Local Plan Attachment B: Fiscal Agent.................................................................................13
   F. Local Plan Attachment E: Federal and State Certifications.................................................14
Low income youth will be eligible for services if assessment indicates that one of the following conditions exists. Contractor staff will check the condition(s) that exist and file this document in the participant’s folder with the other eligibility documentation.

Needs Additional Assistance to Complete an Educational Program:

- School grade(s) below C (or equivalent average)
- Lack of English language proficiency
- At risk of dropping out of school
- One or more grade levels behind
- Excessive absenteeism from school
- Other educational deficiency cited by the youth’s school. Specify: ______

Needs Additional Assistance to Secure and Hold Employment:

- Little labor force attachment (has not held a job other than summer or part time after school)
- Poor employment record
- Lack of occupational skill level below labor market expectations
- Deficiency in job readiness or job retention skills
- Lacks any skill listed by Secretary’s Commission on Achieving Necessary Skills (SCANS)
- Lacks job search skills
- Poor work habits including, but not limited to, punctuality, attendance, communication, attitude, ability to accept supervision, attire
- Other work-related deficiency cited by employer, interviewer, or counselor. Specify: ____________________________

Comments: ____________________________
WIOA OSY “Needs Additional Assistance” Barrier Documentation

Contractor Name: __________________________________________________________

Customer Name: __________________________________________________________

Case Manager Name: _______________________________________________________

Case Mgr. Signature _____________________________ Date ___________

Low income youth will be eligible for services if assessment indicates that one of the following conditions exists. Contractor staff will check the condition(s) that exist and file this document in the participant’s folder with the other eligibility documentation.

**Needs Additional Assistance to Enter or Complete an Educational Program:**

- [ ] School grade(s) below C (or equivalent average)
- [ ] Lack of English language proficiency
- [ ] One or More Grade Levels Behind
- [ ] Other educational deficiency cited by the youth’s school. Specify: __________________________

**Needs Additional Assistance to Secure or Hold Employment:**

- [ ] Little labor force attachment (has not held a job other than summer or part time after school)
- [ ] Poor employment record
- [ ] Lack of occupational skill level below labor market expectations
- [ ] Deficiency in job readiness or job retention skills
- [ ] Lacks any skill listed by Secretary’s Commission on Achieving Necessary Skills (SCANS)
- [ ] Lacks job search skills
- [ ] Poor work habits including, but not limited to, punctuality, attendance, communication, attitude, ability to accept supervision, attire
- [ ] Other work-related deficiency cited by employer, interviewer, or counselor.
  
  Specify: __________________________

**Comments:** __________________________________________________________

____________________________________

_____________________________
Attachment 4.8(b)(1) Cooperative Agreements with Agencies Not Carrying Out Activities Under the Statewide Workforce Investment System

This attachment describes interagency cooperation with and utilization of the services and facilities of agencies and programs that are not carrying out activities through the statewide workforce investment system with respect to:

- Federal, state, and local agencies and programs;
- If applicable, Programs carried out by the Under Secretary for Rural Development of the United States Department of Agriculture; and
- If applicable, state use contracting programs.

Coordination and planning with other New York State (NYS) agencies are critical functions in improving access to appropriate vocational training and employment opportunities, particularly for individuals with significant disabilities who often have multiple needs requiring the intervention of more than one State agency. Other State, federal and local agencies are a significant referral source for the individuals referred to ACCES-VR for services. ACCES-VR continues to coordinate and work cooperatively with agencies that are not in the Statewide Workforce Investment System to increase employment opportunities for people with significant disabilities. However, ACCES-VR is not currently involved in a cooperative agreement with the United States Department of Agriculture. ACCES-VR’s vocational rehabilitation and supported employment programs are not directly involved in state use contracting programs.

Coordinating the support needs of people with disabilities (such as transportation, medical care, housing, case management, family supports and work incentives) is essential for many individuals to be able to obtain and maintain their integrated employment. Interagency cooperation and coordination in service delivery is a driving force within Title IV of the Workforce Investment Act of 1998 and Chapter 515 of the Laws of 1992 (New York State Integrated Employment legislation). This interagency collaboration occurs at both the State and local levels through coordinated planning and service delivery initiatives, as well as through the implementation of formal Memoranda of Agreement.

Memoranda of Agreements and Memoranda of Understanding:

ACCES-VR works closely with a variety of entities to enhance vocational rehabilitation services and placement opportunities for ACCES-VR consumers. These efforts are described in the Memorandums of Agreement and the Memorandums of Understanding. Several of the key agreements include:

- Memorandum of Agreement for the Workforce Investment Act: Title II, Adult Education and Family Literacy between the New York State Education Department Office of Adult Career and Continuing Education Services –
Vocational Rehabilitation (ACCES-VR) and Local Workforce Investment Boards, June 30, 2000;

- Memorandum of Agreement to Provide Services to Individuals who are Deaf/Blind, November 1999 between the Office of Adult Career and Continuing Education Services – Vocational Rehabilitation (ACCES-VR) and Commission for the Blind and Visually Handicapped (CBVH);
- Memorandum of Interagency Understanding regarding Supported Employment, October 1999 between ACCES-VR, CBVH, Office of Mental Health (OMH) and Office of Mental Retardation and Developmental Disabilities (OMRDD);
- Memorandum of Understanding between the State Education Department’s Office of Adult Career and Continuing Education Services – Vocational Rehabilitation and the OMH, October 1999;
- Memorandum of Understanding between the State Education Department’s Office of Adult Career and Continuing Education Services – Vocational Rehabilitation and the Office of Alcoholism and Substance Abuse Services (OASAS), April 1999;
- Statement of Collaboration between the New York State Education Department’s Office of Adult Career and Continuing Education Services – Vocational Rehabilitation and New York State Financial Aid Administrators Association (NYSFAAA), March 1, 1998;
- Joint Agreement between the New York State Education Department’s Office of Adult Career and Continuing Education Services – Vocational Rehabilitation and the Office of Higher and Professional Education (OHPE), August 4, 1994; and

**Designing Our Future:**

In January 2006, the Office of Adult Career and Continuing Education Services (ACCES-VR) presented the Designing Our Future recommendations to the Board of Regents. The primary goal of ACCES-VR is to assist individuals with disabilities in obtaining employment that is consistent with their skills, abilities and interest. It is expected that the job opportunities available to individuals with disabilities will be consistent with those accessed by the general non-disabled population. Therefore, ACCES-VR seeks to provide quality training in marketable, high demand professions that enable ACCES-VR consumers to effectively compete with their non-disabled peers.

As part of Designing Our Future, ACCES-VR has developed strong interagency partnerships and is leading key initiatives aimed at improving employment outcomes for individuals with disabilities in New York State:

- ACCES-VR is chairing the Most Integrated Setting Coordinating Council (MISCC) Employment Committee which is developing a comprehensive statewide strategy;
• ACCES-VR coordinates the Chapter 515 Interagency Implementation Team that focuses on providing supported employment services to individuals with the most significant disabilities in cooperation with the NYS Office of Mental Health (OMH), NYS Office of Mental Retardation and Developmental Disabilities (OMRDD) and the NYS Commission for the Blind and Visually Handicapped (CBVH);
• ACCES-VR and the NYS Office of Alcoholism and Substance Abuse Services (OASAS) are forming an OASAS-ACCES-VR Statewide Team to create joint policies, procedures and training to better serve individuals with chemical dependencies;
• ACCES-VR and the NYS Department of Labor (DOL) Disability Program Navigator Initiative are working cooperatively to improve the effectiveness of Disability Program Navigators at the One Stop Career Centers across the State to ensure access for people with disabilities; and
• The ACCES-VR Veterans Service Action Plan is working closely with State and federal Veterans’ organizations to make sure that veterans with disabilities obtain the services necessary to return to work.

Description of Designing Our Future Partnership Initiatives:

The employment rate for people with disabilities in New York State is 33.5 percent as compared to 76 percent of people without disabilities (Cornell University RRTC on Disability Demographics and Statistics, 2006 Disability Status Report: New York). The challenge for New York State is to close the employment gap by increasing the number of individuals with disabilities entering the workforce. To ensure this outcome, ACCES-VR must invest in partnerships with public and private entities. It is through leveraging of resources and collaboration of efforts that individuals with disabilities will be able to fully participate in employment opportunities available in the State of New York.

To better integrate individuals with disabilities into the New York State workforce and increase employment outcomes, ACCES-VR must partner with other stakeholders. ACCES-VR completed the initial design phase of this strategic planning effort with considerable input from partner agencies, providers, consumers and staff. Implementation of the new design will be an important feature. The implementation of the following partnerships will assist ACCES-VR in meeting the needs of individuals with disabilities statewide:

NYS Most Integrated Setting Coordinating Council (MISCC):

Through legislation and executive action, New York State has established the Most Integrated Setting Coordinating Council (MISCC) to implement the Supreme Court Olmstead Decision, which requires states to provide services to individuals with disabilities in the least restrictive community settings. The formation of the MISCC was the result of Chapter 551 of the laws of 2002.

In January 2008, OMRDD’s Commissioner, at the recommendation of the full MISCC, asked ACCES-VR to lead an executive-level interagency committee focused on
employment of individuals with disabilities. ACCES-VR, in cooperation with the Commissioner of OMRDD and the MISCC, established the MISCC Employment Committee. ACCES-VR's Assistant Commissioner was the designated chair for the Employment Committee.

In December 2008, the MISCC Employment Committee submitted its initial report to the Governor and New York State Legislature with a comprehensive set of recommendations for closing the employment gap in New York State. ACCES-VR will continue to play a leadership role on the MISCC Employment Committee as priority recommendations are implemented.

**Chapter 515 Interagency Implementation Team:**

ACCES-VR initiated the re-formation of an interagency work team to discuss ongoing concerns with the implementation of supported employment intensive and extended services in New York State. The Chapter 515 Interagency Implementation Team consists of mid-level managers from OMRDD, OMH, CBVH and ACCES-VR. The Team meets monthly to discuss program issues, facilitate cross-systems implementation and identify program areas for further development.

The Chapter 515 Interagency Implementation Team remains committed to continuous quality improvement in employment services. During 2009, the State agencies will work on revisions to the Supported Employment Memorandum of Understanding to reflect a renewed commitment to supported employment.

**Office of Alcoholism and Substance Abuse Services (OASAS):**

Several years ago, ACCES-VR and OASAS established the Brooklyn/Queens Consortium as a pilot project to coordinate and integrate provisions of vocational rehabilitation services to persons in recovery. Based on the successful work of this regional consortium, ACCES-VR and OASAS agreed to renew statewide collaboration. A Statewide Team is being established to undertake the following activities:

- Evaluate the referral process developed by the Brooklyn/Queens Consortium to determine how this can be a model for statewide implementation;
- Research current ACCES-VR and OASAS data in providing employment services to this population;
- Update ACCES-VR Alcoholism Policy (2001) and develop a Technical Assistance Brief on Chemical Dependencies;
- Examine ACCES-VR and OASAS collaboration in the context of other Statewide collaborative initiatives (MISCC, OMH and DOL);
- Develop collaborative ACCES-VR-OASAS and Provider Agency cross-training curriculum and training plan; and
- Update the ACCES-VR and OASAS Memorandum of Understanding (MOU). The existing MOU between ACCES-VR and OASAS has been in effect since 1999.
Model Transition Programs:

In 2008, ACCES-VR reported establishing a transition consortium involving school districts, ACCES-VR (vocational rehabilitation and special education), Elementary, Middle, Secondary and Continuing Education (EMSC), Office of Higher Education (OHE) and other stakeholders to improve students’ access to educational, vocational and community supports as they transition from school to employment or to post-secondary training. This consortium developed into the Model Transition Program (MTP). The MTP provides funding for 60 projects that include more than 180 private and public high schools to develop school-wide plans, activities and programs to facilitate the transition of students with disabilities to postsecondary placements. These placements include college, vocational training programs and competitive employment with and without supports. The primary goal of the MTP is to facilitate future employment opportunities for students with disabilities. At the end of this project, successful transition strategies will be identified and shared with high schools throughout the State. Over the period of the MTP, thousands of students with disabilities will be made eligible for vocational rehabilitation programs and services.

To assist in meeting the objectives of MTP projects, the State University of New York (SUNY) at Buffalo provides training in key areas in support of these activities. Using data provided by the projects, Cornell University is working with ACCES-VR’s vocational rehabilitation administration to identify critical elements of the data collection, analysis and reporting processes.

During the first academic year, significant progress has been made in the implementation of transition activities, formation of partnerships, training, and data collection/analysis. As reported by Cornell University, MTP has generated extensive individual student data regarding participating student demographics, employment and postsecondary preparation, ACCES-VR referrals, and collaborative service delivery. As of June 2008, a total of 9,454 students have received transition services; over half of those were expected to achieve a Regents Diploma. Highlights include:

- Sixty-five percent (6,104) of the MTP students had measurable postsecondary goals in their Individualized Education Program (IEP);
- Sixty-one percent (5,769) of students participate in career development activities;
- Nineteen percent (1,782) of MTP students participated in paid/unpaid work experiences, most of this being part-time work;
- Eighteen percent (1,664) of MTP students participated in activities aimed to facilitate transition to postsecondary education. Most of these were college information nights and assistance with college applications; and
- More than 3,000 referrals to ACCES-VR have been made.

Due to shifting budgetary demands, the MTP projects will conclude on November 30, 2009. ACCES-VR will complete an evaluation of the program and will continue coordination with school districts to sustain the gains achieved during the project. Using data provided by the projects, Cornell University is working with ACCES-VR’s vocational
rehabilitation administration to identify critical elements of the data collection, analysis and reporting processes. Successful transition strategies will be identified and shared with high schools throughout the State.

**ACCES-VR-DOL Disability Program Navigator MOU:**

ACCES-VR and the NYS Department of Labor (DOL) are in the process of completing a Memorandum of Understanding (MOU) for ACCES-VR to contribute toward the statewide Disability Program Navigator (DPN) initiative. ACCES-VR will contribute $1.2 Million in VR funds over the next two years to support the network of DPNs at the local workforce investment areas (LWIAs) across the State. The role of the DPN is to promote accessibility to the full range of ‘One Stop’ system employment services for people with disabilities. ACCES-VR funding will support eight full-time equivalents, about 23 percent of the total $2,605,000 operating budget for the total Statewide DPN program for Program Year 2008.

**ACCES-VR Business and Industry Initiatives:**

ACCES-VR Placement and Marketing Representatives in the 15 District Offices have continued to build on the following collaborations: statewide disability employment training initiative with Cornell University; local job placement and marketing initiatives with the Society for Human Resource Management; and continued coordination with several local Chambers of Commerce and The American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) unions across the State. The agency is also strengthening its regional alliance with national businesses through participation in the CSAVR/RSA collaboration on the National Employment Team (The NET).

**Developmental Disabilities Planning Council (DDPC):**

The DDPC is a State agency charged with providing input services to families with members who have developmental disabilities. The Council is directed by an appointed membership that includes parents and persons with disabilities as voting members who direct the activities of the Council. The DDPC has played a key role in innovation in New York State. ACCES-VR works with the DDPC to review employment grants related to developing sector-based employment using Project Search, promoted by the United States Department of Labor.

**Department of Health (DOH):**

ACCES-VR continues to work cooperatively with the DOH in the delivery of services to individuals with traumatic brain injuries (TBI), the implementation of the Medicaid ‘buy-in’ program and the use of Medicaid for medically necessary physical and mental restoration during the rehabilitation process. In 2001, ACCES-VR and DOH collaborated on a Technical Assistance Brief on Acquired Brain Injury which is part of the VR Policy Manual at:
Federal Department of Veterans’ Affairs/State Division of Veterans’ Affairs:

ACCES-VR maintains an ongoing liaison with the Federal Department of Veterans' Affairs Vocational Rehabilitation program to assure that veterans with service connected disabilities are able to access appropriate services from both agencies. ACCES-VR continues to work with the State Division of Veterans' Affairs and is participating on an advisory council developed by the State Division of Employment and Training Officers in a number of State agencies to coordinate the provision of services to veterans with disabilities.

ACCES-VR has joined with other offices within the State Education Department (SED) to mutually support veterans’ services. SED, including ACCES-VR, is actively engaged in a statewide veterans and family interagency collaboration under the leadership of the NYS Division of Veterans Affairs and the NYS Office of Alcoholism and Substance Abuse Services (OASAS). This statewide initiative is engaged in crafting and implementing a State Plan for New York’s Veterans and Families.

ACCES-VR has initiated ongoing outreach to veterans with a particular emphasis on returning veterans with disabling conditions from Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF). This campaign includes a consistent ACCES-VR presence at veterans’ job fairs and veteran Stand Down events across the State. Efforts are underway to develop a comprehensive veterans’ services web page linking ACCES-VR consumers with a wide range of underutilized veteran/family employment-oriented service options for all branches of service and reserves.

ACCES-VR has convened an internal workgroup representing all levels of the vocational rehabilitation service system to identify best practices and gaps in services. The action plan will promote best practices statewide and identify new services and/or strategies for effective veterans’ services.

Conclusion:

During the next year, ACCES-VR and its partner State agencies will invigorate the dialogue on how to close the employment gap for individuals with disabilities. The State agencies will strengthen collaboration for achieving an increase in integrated employment outcomes. We will examine barriers to more effective employment services, identify evidence-based employment practices and implement strategies that will improve the overall performance of our employment programs. We will assure that the full array of employment services meet high standards for performance and result in successful employment outcomes for individuals with disabilities in New York State.
**Attachment A: Units of Local Government**

Please list the unit or units (multiple counties or jurisdictional areas) of local government included in the local area. If the CEO Grant Recipient has designated a local grant subrecipient to administer WIOA pursuant to WIOA § 107, please indicate the unit of local government that is the grant subrecipient. However, if instead, the CEO Grant Recipient has designated a fiscal agent, please indicate this on Attachment B.

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<th>Unit of Local Government</th>
<th>Grant Subrecipient</th>
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§107(6)(B)(i) - When a local workforce area is composed of more than one unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials.

If your local workforce area is composed of more than one unit of general local government, is there a written agreement between local officials that details the liability of the individual jurisdictions?

☐ Yes  ☐ No
Attachment B: Fiscal Agent

WIOA §117(d)(3)(B)(i)(II) indicates that the chief elected official Grant Recipient may designate a local fiscal agent as an alternative to a local grant subrecipient. Such designation to a grant subrecipient or fiscal agent shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds. If the CEO identified a fiscal agent to assist in the administration of grant funds, please provide the name of the agent.

<table>
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<th>Fiscal Agent</th>
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<td>NYC Department of Small Business Services</td>
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ATTACHMENT E: FEDERAL AND STATE CERTIFICATIONS

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

A. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION-LOWER TIER COVERED TRANSACTIONS

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statement in this certification, such prospective participant shall attach an explanation to this proposal.

3. The prospective lower tier participant shall pass the requirements of A.1. and A.2., above, to each person or entity with whom the participant enters into a covered transaction at the next lower tier.

B. CERTIFICATION REGARDING LOBBYING - Certification for Contracts, Grants, Loans, and Cooperative Agreements

By accepting this grant, the signee hereby certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The signer shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of facts upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.
C. DRUG FREE WORKPLACE

By signing this application, the grantee certifies that it will provide a Drug Free Workplace by implementing the provisions at 29 CFR 94, pertaining to the Drug Free Workplace. In accordance with these provisions, a list of places where performance of work is done in connection with this specific grant must be maintained at your office and available for Federal inspection.

D. NONDISCRIMINATION & EQUAL OPPORTUNITY ASSURANCE

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

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

(2) Title VI of the Civil Rights Act of 1964, as amended which prohibits discrimination on the basis of race, color, and national origin;

(3) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

(4) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and

(5) Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that it will comply with proposed 29 CFR Part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I - financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

E. BUY AMERICAN NOTICE REQUIREMENT

The grant applicant assures that, to the greatest extent practicable, all equipment and products purchased with funds made available under the Workforce Innovation and Opportunity Act will be American made. See proposed WIOA Section 502 – Buy American Requirements.

F. SALARY AND BONUS LIMITATIONS

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

G. VETERANS’ PRIORITY PROVISIONS

Federal grants for qualified job training programs funded, in whole or in part, by the U.S. Department of Labor are subject to the provisions of the “Jobs for Veterans Act” (JVA), Public Law 107-288 (38 USC 4215). The JVA provides priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services. Please note that to obtain priority service, a person must meet the program’s eligibility requirements. Training and Employment Guidance Letter (TEGL) No. 10-09 (November 10, 2009) and Section 20 of the Code of Federal Regulations (CFR) Part 1010 (effective January 19, 2009) provide general guidance on the scope of the veterans priority statute and its effect on current employment and training programs. Where applicable, the grant applicant agrees to comply with the Veteran’s Priority Provisions.

STATE CERTIFICATIONS

H. CERTIFICATION REGARDING DEBARTMENT, SUSPENSION, INELIGIBILITY, AND OUTSTANDING DEBTS

The undersigned, as a duly sworn representative of the contractor/vendor, hereby attests and certifies that:

(1) No principal or executive officer of the contractor’s/vendor’s company, its subcontractor(s) and/or successor(s) is presently suspended or debarred;

(2) The contractor/vendor, its subcontractor(s) and/or its successor(s) is not ineligible to submit a bid on, or be awarded, any public work contract or sub-contract with the State, any municipal corporation or public body for reason of debarment for failure to pay the prevailing rate of wages, or to provide supplements, in accordance with Article 8 of the New York State Labor Law; and

(3) The contractor/vendor, its subcontractor(s) and/or its successor do not have any outstanding debts owed to the Department, including but not limited to, contractual obligations, fines related to Safety and Health violations, payments owed to workers for public works projects or the general provisions of the Labor Law, unemployment insurance contributions or other related assessments, penalties or charges.

I. CERTIFICATION REGARDING “NONDISCRIMINATION IN EMPLOYMENT IN NORTHERN IRELAND: MacBRIDE FAIR EMPLOYMENT PRINCIPLES”

In accordance with Chapter 807 of the Laws of 1992 the bidder, by submission of this bid, certifies that it or any individual or legal entity in which the bidder holds a 10% or greater ownership interest, or any individual or legal entity that holds a 10% or greater ownership interest in the bidder, either:

(Answer Yes or No to one or both of the following, as applicable.)

(1) Has business operations in Northern Ireland:

☐ Yes ☐ No

If Yes:
Bidder Organization Name:

(2) Shall take lawful steps in good faith to conduct any business operations they have in Northern Ireland in accordance with the MacBride Fair Employment Principles relating to nondiscrimination in employment and freedom of workplace opportunity regarding such operations in Northern Ireland, and shall permit independent monitoring of its compliance with such Principles.

☐ Yes ☐ No

J. NON-COLLUSIVE BIDDING CERTIFICATION

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

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit to bid for the purpose of restricting competition.

K. IRAN DIVESTMENT ACT

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Bidder/Contractor (or any assignee) certifies that it is not on the “Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012” list (“Prohibited Entities List”) posted on the OGS website at:
http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf and further certifies that it will not utilize on such a Contract any subcontractor that is identified on the Prohibited Entities List. Additionally, Bidder/Contractor is advised that should it seek to renew or extend a Contract awarded in response to the solicitation, it must provide the same certification at the time the Contract is renewed or extended.

During the term of the Contract, should Labor receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, Labor will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then Labor shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the Contractor in default.

Department reserves the right to reject any request for renewal, extension, or assignment for an entity that appears on the Prohibited Entities List prior to the renewal, extension, or assignment of the Agreement, and to pursue a responsibility review with Contractor should it appear on the Prohibited Entities List hereafter.

I, the undersigned, attest under penalty of perjury that I am an authorized representative of the Bidder/Contractor and that the foregoing statements are true and accurate.
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<th>Bidder Organization Name:</th>
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<td><strong>Signature of</strong></td>
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