

## 2024-2028 Core Rehabilitation Services Limited Rebid Opportunity

### *Announcement of Funding Opportunities*

Reason for Reissuance	<p>This procurement is a reissue of GC#24-003 Core Rehabilitation Services that awarded contracts that commenced on January 1, 2024. ACCES-VR identified service gaps at the following District Offices: Albany, Bronx, Brooklyn, Buffalo, Garden City, Hauppauge, Malone, Manhattan, Mid-Hudson, Queens, Rochester, Syracuse, Southern Tier, Utica, and White Plains. However, this RFP will award contracts only for selected services, populations and geographic areas in New York State. Current CRS2024 contractors that are successful in receiving an award through this RFP will have the award processed as a contract amendment. New contractors will receive a new contract. <b>Current CRS2024 contractors SHOULD NOT apply unless they wish to provide services not awarded in the original procurement. Contractors that are not able to serve at least one of the fifteen Districts Offices noted above also SHOULD NOT apply.</b></p>
Purpose of Funding	<p>Provision of specific vocational rehabilitation services for students, youth, and adults with disabilities from community rehabilitation programs and other vendors. These services include Pre-Employment Transition, Entry, Assessment, Employment Preparation, Job Placement, Supported Employment, Assistive Technology, Driver Rehabilitation Services and related Adjunct Services.</p>
Eligible Applicants	<p><b>Eligible applicants</b> include new and current CRS2024 vendors, but are not limited to, sole proprietors, tribal nations, not-for-profit organizations, community rehabilitation programs, independent living centers, educational institutions, for-profit organizations, entities providing vocational training services, and those who are interested in providing any or all of the following vocational rehabilitation services: pre-employment transition services (pre-ETS), entry services, assessment services, employment preparation, job placement, supported employment assistive technology, driver rehabilitation and related adjunct services to individuals with disabilities, including students and youth with disabilities, to enable individuals to obtain, maintain or advance in competitive integrated employment. Applicants must provide a plan on how the selected service(s) will be delivered. Please review the <i>Description of Services</i> section of this RFP for organization capacity requirements and staffing requirements prior to applying.</p>
Bidders' Conference	<p>A Bidders' Conference will be held on <b>December 18, 2024</b>, to provide potential applicants with details of the application process and allow an opportunity for questions and clarification on this RFP process. Organizations or individuals planning on participating in this session must pre-register with your name, agency name and location at <a href="mailto:CRS2024@nysed.gov">CRS2024@nysed.gov</a>. Please include in the email if an</p>

	accommodation is needed to participate. Participation in the Bidder's Conference is not mandatory but is highly recommended.
Contract Period	Current CRS2024 contractors will keep the same contract period of January 1, 2024 to December 31, 2028. New contractors will have an anticipated contract period of July 1, 2025 to December 31, 2028.
Questions & Answers	All questions must be sent by email to <a href="mailto:CRS2024@nysed.gov">CRS2024@nysed.gov</a> no later than <b>January 3, 2025</b> . A complete list of all Questions and Answers will be posted to the <a href="#">ACCES Procurement Opportunities webpage</a> no later than <b>January 17, 2025</b> .
Non-Mandatory Notice of Intent	The Notice of Intent (NOI) is not a requirement for submitting a complete application by the application date, however, NYSED strongly encourages all prospective applicants to submit an NOI to ensure a timely and thorough review and rating process. For non-profit applicants the NOI will also help to facilitate timely review of prequalification materials. The NOI is an email notice sent by the organization stating the organization's legal name, its intent to submit an application for this grant, and its NYS Vendor ID. Please send the NOI to <a href="mailto:CRS2024@nysed.gov">CRS2024@nysed.gov</a> . The due date for the NOI submission is <b>January 17, 2025</b> . Please put NOI in the subject line of your email.
New Prequalification Requirement	New York State has moved the Prequalification process for not-for-profits from Grants Gateway to the Statewide Financial System (SFS). Detailed information on how to <a href="#">register</a> with SFS and <a href="#">become prequalified</a> is available on the <a href="#">Grants Management</a> website ( <a href="https://grantsmanagement.ny.gov/">https://grantsmanagement.ny.gov/</a> ). <b>All not-for-profit vendors are required to pre-qualify by the grant application deadline. This includes all currently funded not-for-profit institutions that have already received an award and are in the middle of the program cycle. The prequalification must be completed by all not-for-profit institutions by the application deadline in order to receive an award under this RFP.</b> Please review the additional information regarding this requirement in the Prequalification for Individual Applications section below.
Date Due	Submit an application online at: <a href="#">RFP GC25-005 CRS Rebid Application</a> by the <b>January 31, 2025 deadline</b> .
NYSED Designated Contacts	Program: Malgorzata Zegarska-Sanders Fiscal: Monica Foley <a href="mailto:CRS2024@nysed.gov">CRS2024@nysed.gov</a>

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**REQUEST FOR PROPOSAL (RFP)**  
**RFP #GC25-005**  
**NEW YORK STATE EDUCATION DEPARTMENT**

**Title: Core Rehabilitation Services (CRS)**

Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR) of the New York State Education Department (NYSED) is seeking proposals for the provision of Core Rehabilitation Services (CRS) to individuals with disabilities for specific services in selected areas of New York State where service gaps exist: Albany, Bronx, Brooklyn, Buffalo, Garden City, Hauppauge, Malone, Manhattan, Mid-Hudson, Queens, Rochester, Syracuse, Southern Tier, Utica, and White Plains. Core Rehabilitation Services are purchased from community rehabilitation providers and include **Pre-Employment Transition, Entry Services, Assessment, Employment Preparation, Job Placement, Supported Employment, Assistive Technology, Driver Rehabilitation Services and related Adjunct Services**. The Core Rehabilitation Services described in this RFP will only be purchased from contracted providers.

**Existing CRS contractors do not need to reapply unless they wish to provide services not awarded in the original procurement. Contractors that are not able to serve at least one of the fifteen District Offices noted above also do not need to apply.**

ACCES-VR is inviting current and prospective vendors to review the service descriptions outlined in this RFP and submit a proposal that accurately reflects their ability to meet the anticipated needs within one or more of the 15 district offices listed above, regionally or, in certain cases, statewide. **When awarded, estimated contract values do not guarantee a minimum funding amount and are not a guarantee of a specific number of referrals by ACCES-VR.** ACCES-VR may amend the contracts of vendors to increase or decrease estimated contract values as necessary at any time within the contract period.

Vendors are required to have qualified staff in place to provide the services no later than six (6) months after contract execution and before providing services. No services may be provided until qualified staff have been approved by ACCES-VR.

NYSED/ACCES-VR will not contract for services that are funded through other sources or duplicated including but not limited to: employment agencies that obtain fees from the employer; One Stop Career Centers that provide employment assistance services to the public; postsecondary disability services offices, etc. unless the applicant can clearly document value added services.

Vendors are required to ensure that they comply with program accessibility requirements in Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act including, but not limited to, the provision of reasonable accommodations as needed by the individual being served.

Vendors are required to ensure that they communicate with customers that they serve in their native language when these customers have limited English proficiency and use appropriate modes of communication to meet the needs of each customer.

Unless a service is indicated as in-person only, a vendor may provide services utilizing live-remote technology (e.g., Zoom, Teams) at the request of the customer. Vendors must have the capacity to deliver all services in-person, as the customer may request a change in the service delivery modality

from live-remote to in-person at any time. **Note:** The provision of quality services is expected whether the service is delivered in-person or remotely. Vendors are expected to ensure that the customer's disability is taken into consideration and that the appropriate level of support is provided to participate in a virtual service.

Multiple contracts will result from this RFP, which will be for a three (3) year and six (6) month period anticipated to begin **July 1, 2025 through December 31, 2028 for new contractors. Current CRS2024 contractors that receive an award through this RFP will have the award processed as a contract amendment. NYSED reserves the option to issue this RFP on an annual basis during the contract period in the event that current providers are unable to meet customers' needs.**

### **Eligible Applicants**

Current and new vendors are invited to apply who can fill in the gaps identified in this RFP. **Eligible applicants** include new and current CRS2024 vendors, but are not limited to, sole proprietors, tribal nations, not-for-profit organizations, community rehabilitation programs, independent living centers, educational institutions, for-profit organizations, entities providing vocational training services, and those who are interested in providing any or all of the vocational services outlined in this RFP. **Please review the *Description of Services* section of this RFP for organization capacity requirements and staffing requirements prior to applying.**

### **Subcontracting**

Subcontracting will only be allowed when there is a customer service need in a specific region. Subcontracting must be approved by NYSED prior to implementation. Subcontracting will be limited to a maximum of thirty percent (30%) of the annual contract budget. Subcontracting is defined as non-employee direct personal services and related incidental expenses, including travel.

### **Prequalification Requirement**

Pursuant to the New York State Division of the Budget bulletin H-1032 (revised January 9, 2024), not-for profit organizations must Prequalify to do business with New York State agencies before they can compete for State grants. The process allows nonprofits to address questions and concerns prior to entering a competitive bid process. Nonprofits are strongly encouraged to begin the Prequalification process as soon as possible.

New York State has moved the Prequalification process for not-for-profits from Grants Gateway to the Statewide Financial System (SFS). To become prequalified, a nonprofit must first register with the Statewide Financial System (SFS). Once registered, nonprofits complete an online Prequalification application. This includes completing a series of forms by answering basic questions regarding the organization and uploading key organizational documents.

Detailed information on how to [register](#) with SFS and [become prequalified](#) is available on the [Grants Management](#) website.

**Disclaimer:** *New York State reserves 5-10 business days from the receipt of complete Prequalification applications to conduct its review. If supplementary information or updates are required, review times will be longer. Due to the length of time this process could take to complete, it is advised that nonprofits Prequalify as soon as possible. Failure to successfully complete the Prequalification process early enough may result in a grant application being disqualified.*

Nonprofits must receive approved prequalification status prior to grant application and execution of contracts. Grant proposals received from nonprofits that are not Prequalified in SFS by 5:00 PM on the application due date of **January 31, 2025**, will not be evaluated. Such proposals will be disqualified from further consideration.

### **Staff Changes**

The Contractor will maintain continuity of the staff throughout the course of the contract. All changes in staff will be subject to NYSED approval.

### **Electronic Processing of Payments**

In accordance with a directive by the Director of State Operations - Office of Taxpayer Accountability dated January 22, 2010, all state agency contracts, grants, and purchase orders executed after February 28, 2010 shall contain a provision requiring that contractors and grantees accept electronic payments.

### **New York State Education Department's Minority/Women-Owned Business Enterprise (M/WBE) Procurements Policy**

There are no M/WBE goals for this RFP. However, as part of NYSED's commitment to utilizing M/WBE firms, NYSED strongly encourages applicants to use New York State certified M/WBE firms to the greatest extent possible.

### **Components contained in RFP #GC25-005 are as follows:**

1. Description of Services to be Performed – including rates and performance indicators
2. Submission
3. Evaluation Criteria and Method of Award
4. CRS Rebid Application online submission: [RFP GC25-005 CRS Rebid Application](#)

### **Proposal Transmittal Instructions**

Submit applications online at: [RFP GC25-005 CRS Rebid Application](#).

**All applications must be received by January 31, 2025.**

### **Before Proceeding Further**

Parties applying for this RFP acknowledge that:

- They will provide services at the rates listed in this RFP,
- They will have the capacity to serve the number of customers identified in their response to this RFP,
- They will serve customers in the geographic region(s) and specific ACCES-VR District Office(s) identified in their response to this RFP,
- They will provide the specific services identified in their response to this RFP,
- **Contract awards are estimates. Estimated contract awards are not a guarantee of minimum funding amount and are not a guarantee of a specific number of referrals from ACCES-VR.** ACCES-VR may increase or decrease estimated contract values based on customer need at any time during the contract period,
- Services must be delivered in the environment and format which meets the individual needs of **each** ACCES-VR customer, and

- Vendors will only be paid for services ACCES-VR authorized that have been delivered according to the identified contractual requirements.

## Section 1: Description of Services

This section of the bid package details the services and products to be acquired. Please note that the contract process also includes general New York State administrative terms and conditions, as well as terms and conditions required by New York State law. These terms and conditions address issues related to both the submission of bids and any subsequent contract; they are included separately in this bid package for bidder's information. Please review all terms and conditions.

### Background

The New York State Education Department's (NYSED) Office of Adult Career and Continuing Education Services (ACCES-VR) provides a wide array of vocational rehabilitation services to over 85,000 New Yorkers with disabilities each year. Important parts of those services are purchased from community rehabilitation vendors and include pre-employment transition services, entry services, assessment services, employment preparation services, job placement services, supported employment services, assistive technology/rehabilitation services, driver rehabilitation services and related adjunct services. ACCES-VR is seeking to purchase the services outlined within this document, contingent upon available resources, during the 2024-2028 contract cycle.

ACCES-VR is inviting current and interested prospective vendors to review the service descriptions outlined within this document for the Service Gaps identified by District Office below and craft their proposal in response to their ability to meet the possible needs identified within one or more of the fifteen District Offices as follows:

#### Albany

**Pre-Employment Transition Services (Pre-ETS):** 121X, 1008X, 122X, 1005X, 124X, 1006X, 127X, 1007X, 557X, 1009X, 963X, 1001X, 964X, 1002X.

**Assessment Services:** 052X.

**Job Placement Services:** 559X, 958X, 959X, 563X, 510X, 921X, 929X, 935X, 931X, 936X, 932X, 937X, 933X.

**Supported Employment Services:** 571X, 572X, 573X, 1573X, 574X, 1574X, 575X, 1575X, 576X, 577X, 578X, 582X.

**Assistive Technology Services:** 165X, 167X.

**Driver Rehabilitation Services:** 133X, 134X, 880X, 881X.

**Adjunct Services:** 142X, Mobility Services "M".

#### Bronx

**Pre-ETS:** 121X, 1008X, 122X, 1005X, 124X, 1006X, 127X, 1007X, 557X, 1009X, 963X, 1001X, 964X, 1002X. Services in English and other languages.

**Assessment Services:** 052X

**Job Placement Services:** 559X, 958X, 959X, 563X, 510X, 921X, 929X, 935X, 931X, 936X, 932X, 937X, 933X. Services in English and other languages.

**Supported Employment Services:** 571X, 572X, 573X, 1573X, 574X, 1574X, 575X, 1575X, 576X, 577X, 578X, 582X. Services in English and other languages.

**Assistive Technology Services:** 165X and 167X.

**Driver Rehabilitation Services:** 133X, 134X, 880X, 881X.

**Adjunct Services:** 142X.

**Brooklyn**

**Pre-ETS:** 121X, 1008X, 122X, 1005X, 124X, 1006X, 127X, 1007X, 557X, 1009X, 963X, 1001X, 964X, 1002X. Services in English and other languages.

**Assessment Services:** 052X.

**Job Placement Services:** 559X, 958X, 959X, 563X, 510X, 921X, 929X, 935X, 931X, 936X, 932X, 937X, 933X. Services in English and other languages.

**Supported Employment Services:** 571X, 572X, 573X, 1573X, 574X, 1574X, 575X, 1575X, 576X, 577X, 578X, 582X. Services in English and other languages.

**Assistive Technology Services:** 165X, 167X.

**Driver Rehabilitation Services:** 133X, 134X, 880X, 881X.

**Adjunct Services:** 142X.

**Buffalo**

**Pre-ETS:** 121X, 1008X, 122X, 1005X, 124X, 1006X, 127X, 1007X, 557X, 1009X, 963X, 1001X, 964X, 1002X. Services in English and other languages.

**Assessment Services:** 052X.

**Job Placement Services:** 559X, 958X, 959X, 563X, 510X, 921X, 929X, 935X, 931X, 936X, 932X, 937X, 933X. Services in English and other languages.

**Supported Employment Services:** 571X, 572X, 573X, 1573X, 574X, 1574X, 575X, 1575X, 576X, 577X, 578X, 582X. Services in English and other languages.

**Driver Rehabilitation Services:** 133X, 134X, 880X, 881X.

**Adjunct Services:** 142X.

**Garden City**

**Pre-ETS:** 121X, 1008X, 122X, 1005X, 124X, 1006X, 127X, 1007X, 557X, 1009X, 963X, 1001X, 964X, 1002X. Services in English and other languages.

**Assessment Services:** 052X, 120X, 110X, 112X, 100X. Services in English and other languages, especially in Spanish.

**Job Placement Services:** 559X, 958X, 959X, 563X, 510X, 921X, 929X, 935X, 931X, 936X, 932X, 937X, 933X. Services in English and other languages.

**Supported Employment Services:** 571X, 572X, 573X, 1573X, 574X, 1574X, 575X, 1575X, 576X, 577X, 578X, 582X. Services in English and other languages.

**Assistive Technology Services:** 165X, 167X.

**Driver Rehabilitation Services:** 133X, 134X, 880X, 881X.

**Adjunct Services:** 142X.

**Hauppauge**

**Pre-ETS:** 121X, 1008X, 122X, 1005X, 124X, 1006X, 127X, 1007X, 557X, 1009X, 963X, 1001X, 964X, 1002X. Services in English and other languages.

**Assessment Services:** 052X, 120X, 110X, 112X, 100X. Services in English and other languages, especially in Spanish.

**Job Placement Services:** 559X, 958X, 959X, 563X, 510X, 921X, 929X, 935X, 931X, 936X, 932X, 937X, 933X. Services in English and other languages

**Supported Employment Services:** 571X, 572X, 573X, 1573X, 574X, 1574X, 575X, 1575X, 576X, 577X, 578X, 582X. Services in English and other languages.

**Assistive Technology Services:** 165X and 167X.

**Driver Rehabilitation Services:** 133X, 134X, 880X, 881X.

**Adjunct Services:** 142X.



**Malone**

**Pre-Employment Transition Services:** 121X, 1008X, 122X, 1005X, 124X, 1006X, 127X, 1007X, 557X, 1009X, 963X, 1001X, 964X, 1002X. Services in English and other languages.

**Entry Services:** 118X, 1000X.

**Assessment Services:** 052X, 100X, 110X, 112X, 120X.

**Employment Preparation Services:** 175X, 625X, 630X, 125X, 123X.

**Job Placement Services:** 559X, 958X, 959X, 563X, 510X, 921X, 929X, 935X, 931X, 936X, 932X, 937X, 933X.

**Supported Employment Services:** 571X, 572X, 573X, 1573X, 574X, 1574X, 575X, 1575X, 576X, 577X, 578X, 582X.

**Driver Rehabilitation Services:** 133X, 134X, 880X, 881X.

**Adjunct Services:** 790X, 792X, Mobility Services "M", Transportation I "V", Transportation II "T", 142X.

**Manhattan**

**Pre-ETS:** 121X, 1008X, 122X, 1005X, 124X, 1006X, 127X, 1007X, 557X, 1009X, 963X, 1001X, 964X, 1002X. Services in English and other languages.

**Assessment Services:** 052X, 100X.

**Job Placement Services:** 559X, 958X, 959X, 563X, 510X, 921X, 929X, 935X, 931X, 936X, 932X, 937X, 933X.

**Supported Employment Services:** 571X, 572X, 573X, 1573X, 574X, 1574X, 575X, 1575X, 576X, 577X, 578X, 582X.

Need vendors proficient in other languages, especially Spanish.

**Assistive Technology Services:** 165X, 167X.

**Driver Rehabilitation Services:** 133X, 134X, 880X, 881X.

**Adjunct Services:** 142X.

**Mid-Hudson**

**Pre-ETS:** 121X, 1008X, 122X, 1005X, 124X, 1006X, 127X, 1007X, 557X, 1009X, 963X, 1001X, 964X, 1002X. Services in English and other languages.

**Assessment Services:** 052X.

**Job Placement Services:** 559X, 958X, 959X, 563X, 510X, 921X, 929X, 935X, 931X, 936X, 932X, 937X, 933X.

**Supported Employment Services:** 571X, 572X, 573X, 1573X, 574X, 1574X, 575X, 1575X, 576X, 577X, 578X, 582X.

**Assistive Technology Services:** 165X, 167X.

**Driver Rehabilitation Services:** 133X, 134X, 880X, 881X.

**Adjunct Services:** 790X, 142X.

**Queens**

**Pre-ETS:** 121X, 1008X, 122X, 1005X, 124X, 1006X, 127X, 1007X, 557X, 1009X, 963X, 1001X, 964X, 1002X. Services in English and other languages.

**Assessment Services:** 052X, 100X, 110X, 112X, 120X. Services in English and other languages.

**Job Placement Services:** 559X, 958X, 959X, 563X, 510X, 921X, 929X, 935X, 931X, 936X, 932X, 937X, 933X. Services in English and other languages.

**Supported Employment Services:** 571X, 572X, 573X, 1573X, 574X, 1574X, 575X, 1575X, 576X, 577X, 578X, 582X. Services in English and other languages.

**Assistive Technology Services:** 165X, 167X.

**Driver Rehabilitation Services:** 133X, 134X, 880X, 881X.

**Adjunct Services:** 142X.

**Rochester**

**Pre-ETS:** 121X, 1008X, 122X, 1005X, 124X, 1006X, 127X, 1007X, 557X, 1009X, 963X, 1001X, 964X, 1002X. Services in English and other languages.

**Assessment Services:** 052X, 120X.

**Job Placement Services:** 559X, 958X, 959X, 563X, 510X, 921X, 929X, 935X, 931X, 936X, 932X, 937X, 933X. Services in English and other languages.

**Supported Employment Services:** 571X, 572X, 573X, 1573X, 574X, 1574X, 575X, 1575X, 576X, 577X, 578X, 582X.

**Assistive Technology Services:** 165X, 167X.

**Driver Rehabilitation Services:** 133X, 134X, 880X, 881X.

**Adjunct Services:** 142X.

**Southern Tier**

**Pre-ETS:** 121X, 1008X, 122X, 1005X, 124X, 1006X, 127X, 1007X, 557X, 1009X, 963X, 1001X, 964X, 1002X. Services in English and other languages.

**Entry Services:** 118X.

**Assessment Services:** 052X.

**Supported Employment Services:** 571X, 572X, 573X, 1573X, 574X, 1574X, 575X, 1575X, 576X, 577X, 578X, 582X. Services in English and other languages.

**Driver Rehabilitation Services:** 133X, 134X, 880X, 881X.

**Adjunct Services:** 142X.

**Syracuse**

**Pre-ETS:** 121X, 1008X, 122X, 1005X, 124X, 1006X, 127X, 1007X, 557X, 1009X, 963X, 1001X, 964X, 1002X.

**Assessment Services:** 052X, 110X, 100X.

**Employment Preparation Services:** 630X, 625X.

**Job Placement Services:** 559X, 958X, 959X, 563X, 510X, 921X, 929X, 935X, 931X, 936X, 932X, 937X, 933X.

**Supported Employment Services:** 571X, 572X, 573X, 1573X, 574X, 1574X, 575X, 1575X, 576X, 577X, 578X, 582X.

**Driver Rehabilitation Services:** 133X, 134X, 880X, 881X.

**Adjunct Services:** 142X.

**Utica**

**Pre-ETS:** 121X, 1008X, 122X, 1005X, 124X, 1006X, 127X, 1007X, 557X, 1009X, 963X, 1001X, 964X, 1002X. Services in English and other languages.

**Assessment Services:** 052X, 100X, 110X.

**Job Placement Services:** 559X, 958X, 959X, 563X, 510X, 921X, 929X, 935X, 931X, 936X, 932X, 937X, 933X. Services in English and other languages.

**Supported Employment Services:** 571X, 572X, 573X, 1573X, 574X, 1574X, 575X, 1575X, 576X, 577X, 578X, 582X.

**Assistive Technology Services:** 165X, 167X.

**Driver Rehabilitation Services:** 133X, 134X, 880X, 881X.

**Adjunct Services:** 142X.

**White Plains**

**Pre-ETS:** 121X, 1008X, 122X, 1005X, 124X, 1006X, 127X, 1007X, 557X, 1009X, 963X, 1001X, 964X, 1002X. Services in English and other languages.

**Assessment Services:** 052X.

**Job Placement Services:** 559X, 958X, 959X, 563X, 510X, 921X, 929X, 935X, 931X, 936X, 932X, 937X, 933X. Services in English and other languages.

**Supported Employment Services:** 571X, 572X, 573X, 1573X, 574X, 1574X, 575X, 1575X, 576X, 577X, 578X, 582X. Services in English and other languages.

**Assistive Technology Services:** 165X, 167X.

**Driver Rehabilitation Services:** 133X, 134X, 880X, 881X.

**Adjunct Services:** 142X.

As in the past, contract values do not guarantee minimum spending or specific number of referrals by ACCES-VR. Vendors will need to have qualified staff in place to provide the services no later than six (6) months after the contract is executed or amended, as applicable. During the contract term, ACCES-VR may amend the contracts of vendors to increase contract values if necessary.

No applicant will be awarded a contract under CRS for services they would ordinarily provide without charge, including, but not limited to, employment agencies that obtain fees from the employer; school districts and local education agencies that receive funding for transition services; One Stop Career Centers that provide employment assistance services to the public; postsecondary disability services offices, etc. unless the applicant can clearly document value added services.

**Overview**

Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR) of the New York State Education Department (NYSED) is seeking proposals for the provision of Core Rehabilitation Services (CRS) to individuals with disabilities seeking to obtain, maintain or advance in employment. CRS includes Pre-Employment Transition Services (Pre-ETS), entry services, assessment services employment preparation services, job placement services, supported employment services, assistive technology/rehabilitation technology services, driver rehabilitation services, and related adjunct services. All services are identified below with the associated ACCES-VR case service code.

ACCES-VR has undertaken the CRS initiative to better serve individuals with disabilities; assist customers in becoming gainfully employed; achieve economies of scale by combining contract services; clearly define services; and equitably compensate vendors for the services they provide.

The requirements for each service are defined in the Description of Services section below. All employment outcomes must meet the definition of competitive, integrated employment as described in ACCES-VR policy.

Please note each individual case service has specific, individual requirements. Failure to include and address individual case service requirements will disqualify the applicant for that case service. Rates have been established for each case service. A [list of CRS regions](#) has been included as **Appendix I**.

1. **Service Categories:** References to ACCES-VR's Core Rehabilitation Services include all items contained in this RFP. Adjunct Services are defined as those activities which supplement the delivery of vocational rehabilitation services by providing those additional services/supports which the customer requires for successful Individualized Plan for Employment (IPE) goal achievement.
2. **Duration of Services:** The standard time frames for service delivery for each service category have been delineated within the definitions. As is consistent with current ACCES-VR practice, if the unique needs of a specific customer require different service duration, these time frames will be discussed and modified for that customer by ACCES-VR. However, vendors developing service proposals must adhere to the standard time frames when outlining their service delivery plan.
3. **Delivery of Services:** Unless a service is indicated as in-person only, a vendor may provide services utilizing live-remote technology (e.g., Zoom, Teams) at the request of the customer. Vendors must have the capacity to deliver all services in-person, as the customer may request a change to the service delivery modality from live-remote to in-person at any time. The provision of quality services is expected whether the service is delivered in-person or remotely. Vendors are expected to ensure that the individual's disability is taken into consideration and that the appropriate level of support is provided to participate in a virtual service.
4. **Staffing:**
  - a. All applicants must have appropriate staffing in place to meet the Staffing Requirements outlined in this document.
  - b. It is recognized that staff turnover is an inevitable feature in vendor operations. When ACCES-VR required staffing is no longer available for delivery of an ongoing service, the vendor is required to notify the ACCES-VR District Office(s) involved and provide a staffing plan proposal for continuance of services. Upon approval of the staffing plan by ACCES-VR's Central Office, the vendor may continue service delivery for a mutually agreed upon period of time, not to exceed one (1) year.
  - c. In addition to the staffing requirements specified for each ACCES-VR CRS service component, it is required that each vendor, with the exception of sole proprietor/individual vendors, have an individual overseeing the operation of ACCES-VR reimbursed vocational services who holds at least a Master's Degree in Rehabilitation Counseling and two years of progressively increasing administrative responsibility in a rehabilitation setting; **or** a Bachelor's Degree and two years of progressively increasing administrative responsibility in a rehabilitation setting; **or** has a combination of education and experience which, in the judgment of ACCES-VR, is substantially equivalent to the standards of this subdivision.
  - d. ACCES-VR will review resumes of all individuals who oversee/supervise the delivery of services to ACCES-VR customers.
  - e. Training requirements for vendor staff providing Pre-ETS, Job Placement Services and Supported Employment Services: In addition to the specific staff qualifications requirements outlined in the Vendor Staffing Requirements section, Pre-ETS, Job

Placement Services and Supported Employment Services staff must complete required courses of study based on their specific job role and function to demonstrate and maintain proficiency. These courses of study are offered at no charge through the sponsorship of ACCES-VR and requirements are highlighted in the Staffing Training Requirements section.

5. **Reporting:** Vendors must use the reporting formats developed by ACCES-VR. Timely submission of reports and supporting documentation will be required for payment. Reports are expected to be submitted within 10 business days of completion of services, unless otherwise noted.
6. **Deaf and Blind Services:** Rates have been established for services for customers who are deaf/hard of hearing and/or blind/visually impaired. These deaf and blind service rates will not be combined with any other fees for interpreters. For services where a deaf service rate has not been established, interpreter services may be purchased by ACCES-VR.
7. **Billing for Services:** Vendors who are successful in obtaining an award through this RFP must understand that the contract does not allow for the funding of services in advance. The vendor must first be authorized by ACCES-VR to provide the service to a customer during a prescribed period of time (service start and end dates). Then the vendor must perform the service and submit a report that describes the services to that customer in accordance with the appropriate service description and standards, following ACCES-VR reporting and billing procedures. Then, payment is processed. Timely billing is critical to the successful delivery of services under the contracts. Performance standards will be evaluated for each service and monitored throughout the contract period. (See **Framework for Performance Indicators** below.)
8. **Use of District Office Space:** Contracts will not provide any vendors with exclusive use of district office space or any guaranteed use of district office space. However, where available, and at the convenience of a district office, shared space may be made available for vendors' use on a limited and non-exclusive basis. No technology (computers, phones, faxes, or copiers, etc.) will be made available for vendor use at any ACCES-VR District Office.
9. **Technology Requirements:** Applicants must have the capacity to upload required documentation to ACCES-VR's web-based electronic system. Technology requirements are subject to change during the five-year contract term.
10. **Confidentiality:** All devices (e.g., cell phones, tablets, laptops, flash drives or any other electronic storage device) that store SED information/data **MUST** be encrypted. Refer to Appendix R for additional information.

## FRAMEWORK FOR PERFORMANCE INDICATORS

ACCES-VR tracks key performance indicators for the contracted services along with minimum standards for services. The performance indicators are critical in assisting ACCES-VR in making informed decisions regarding all vendors, both current and new, and the allocation of resources within the contracting system. This process will:

- Enhance customers' informed choice of vendors from which they wish to receive services
- Provide ACCES-VR counseling staff with critical information on performance of vendors from whom they seek to purchase services
- Enable District Offices to oversee and allocate contract dollars to better serve customers
- Provide information to vendors to improve services and meet expected levels of performance.

## **Vendor Staff Training**

ACCES-VR monitors the vendor's staff compliance with mandated training requirements outlined in this RFP in the Staffing Requirements Training section. When a vendor's staff do not meet the requirements, this factors in to whether the vendor may continue to deliver services to ACCES-VR customers.

## **Outcomes/Quality/Timeliness**

**Outcomes** – ACCES-VR's goal is to enable customers to attain, maintain or advance in employment. Accordingly, a vendor's performance will be assessed, where appropriate, on key indicators such as, but not limited to, timeliness of providing services, percentage of customers successfully employed, the amount of time it takes a customer to become successfully employed, the number of hours a customer is working per week, and hourly wages earned by the customer.

**Quality** – ACCES-VR uses a rubric by which service reports will be rated. The rubric provides guidance to professional staff in rating a particular service as superior, satisfactory, needs improvement or unsatisfactory. Data on the rubric will be compiled on individual vendors and individual services and be used to provide feedback to the individual vendors at least twice per year at performance review meetings. Reports will be rated superior, satisfactory, needs improvement or unsatisfactory. They are defined as follows:

### **SUPERIOR**

- The appropriate CRS form was used, report was complete with an accurate recording of customer information, dates of service and submitted within established time frames.
- Information provides clear, complete details of the service provided.
- Service provided is in accordance with the deliverables identified for the service.
- Referral information and communications from ACCES-VR staff were included and when appropriate a case conference with the vendor, customer and ACCES-VR counselor was scheduled.
- Report provided the counselor with a clear understanding of the vendor's conclusions, recommendations and was sufficient for decision-making.
- Service provided is of excellent quality, can be used for case decisions and provides several options for future planning.

### **SATISFACTORY**

- The appropriate CRS form was used, report was complete with an accurate recording of customer information, dates of service and submitted within established time frames.
- Information provides clear, complete details of the service provided.
- Service provided is in accordance with the deliverables identified for the service.

- Referral information and communications from ACCES-VR staff were included and when appropriate a case conference with the vendor, customer and ACCES-VR counselor was scheduled.
- Report provided the counselor with an understanding of the vendor's conclusions, recommendations and was sufficient for decision-making.
- Service provided is of good quality, can be used for case decisions and provides several options for future planning.

#### **NEEDS IMPROVEMENT**

- The appropriate CRS form was used, report was complete with an accurate recording of customer information and dates of service.
- Information/service provided was minimal, left unanswered referral question/concerns that needed to be addressed.
- Service provided is in accordance with the deliverables identified for the service.
- The needs of the customer were not clearly communicated, lacked details for decision making and next steps.
- Report was not submitted within established time frames
- Report provided the counselor with a limited understanding of the vendor's conclusions, recommendations and was not fully sufficient for decision-making.
- Service provided is of fair quality, is unable to be used for case decisions without additional follow-up and provides limited options for future planning.

#### **UNSATISFACTORY (may not be processed for payment)**

- The appropriate CRS form was not used
- Report was not complete and/or contained inaccurate recording of customer information, dates of service.
- The service provided was not in accordance with the deliverables identified for the service.
- Report must be corrected, resubmitted, reviewed and approved prior to processing payment for the service
- Service provided is of poor quality, is unable to be used for case decisions without additional follow-up and provides limited options for future planning.

#### **N/A**

Vendor submitted something other than a final report, such as attendance or interim report.

#### **Timeliness**

ACCES-VR has established minimum standard timelines in which customers will receive services and the District Offices will receive required reports and supporting documentation. These standards are established for all service categories in the CRS contracting system.

Timeliness of service is a critical indicator in providing services to customers. Standards are set for individual services and data will be compiled to assist ACCES-VR to measure compliance with those standards. This data will be shared with individual vendors at their semi-annual performance reviews.

Once contracts are awarded, ACCES-VR will update the Vendor Guidelines for CRS Service Delivery. These Guidelines will assist vendors in achieving their performance indicators and assist customers in accomplishing their employment goals.

**Requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act**

Vendors are required to ensure that they comply with program accessibility requirements in Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act including, but not limited to, the provision of reasonable accommodations as needed by the customer receiving any services under CRS.

Vendors are required to ensure that they communicate with customers that they serve in their native language when these customers have limited English proficiency. Vendors must use appropriate modes of communication to meet the needs of each customer receiving any services under CRS.



## Pre-Employment Transition Services (Pre-ETS)

### Applicants Must Complete Section 1-A in the Online Application To Apply To Provide Any of These Services

#### Definition:

Pre-Employment Transition Services (Pre-ETS) are prevocational services that are authorized by ACCES-VR for students with disabilities (SWD) as defined by the Workforce Innovative and Opportunity Act (WIOA). Pre-ETS include job exploration counseling, work-based learning experiences, counseling on postsecondary options, workplace readiness skills, and instruction in self-advocacy, which may include peer mentoring. Pre-ETS are designed to engage SWDs so that they develop a better understanding of themselves, their strengths, interests, abilities, and career goals.

A Student with a Disability (SWD) is defined as an individual who:

- Has a documented disability, AND
- Is enrolled in a secondary, post-secondary, or other recognized educational program (e.g., home school, high school equivalency programs, college or a vocational technical program), AND
- Is not younger than 14 years of age, AND
- Is not older than 22 years of age or reached their 23<sup>rd</sup> birthday.

SWDs may receive Pre-ETS in one of two ways:

- **Potentially eligible (PE) for ACCES-VR services** and receive Pre-ETS without applying for ACCES-VR services.
- **Have applied for and been determined eligible by ACCES-VR** and receive Pre-ETS as a service documented on their Individualized Plan for Employment (IPE).

The delivery of Pre-ETS is not intended to shift the responsibility of service delivery from school districts to ACCES-VR. The school district will continue to be responsible for providing transition planning and educational services. For students enrolled in secondary school, Pre-ETS may be delivered in either the educational setting or outside of the educational setting.

Pre-ETS are delivered with a focus on the unique characteristics of each SWD and their specific needs related to preparing for employment, evaluating postsecondary transition and education options, developing self-advocacy skills and employment-related soft skills, and obtaining work experiences. Pre-ETS may be delivered individually or in a group. All Pre-ETS, whether provided to SWDs who are potentially eligible or eligible for ACCES-VR services, are based on each SWD's individualized needs.

**Note:** Vendors can only bill for the time spent directly providing Pre-ETS to a specific SWD.

Vendors serving **potentially eligible SWDs** will identify the students, collect documentation verifying they meet the definition of a Student with a Disability, and submit information to ACCES-VR for review, approval, and authorization to deliver Pre-ETS to potentially eligible SWDs. Vendors will engage the SWD, their parent/legal guardian (when applicable), and other interested parties while providing Pre-ETS. **Note: In addition to secondary and post-secondary SWDs, ACCES-VR is interested in serving underserved and unserved SWDs who are justice involved, in foster care, are Native American, and/or are home schooled.**

Some SWDs, who have **applied for and been determined eligible by ACCES-VR** and have an IPE, may require ancillary services such as mobility training and transportation to participate in Pre-ETS.

When appropriate, **for SWDs who have applied for and been determined eligible for ACCES-VR services**, the ACCES-VR counselor may authorize these services in conjunction with the Pre-ETS. Some ancillary services are described in more detail below in the **Adjunct Services** section of this RFP. **Note:** Adjunct services **cannot** be provided to **potentially eligible SWDs**.

**Bidders may choose to apply to provide Pre-ETS to potentially eligible SWDs only, SWDs who applied for and were determined eligible for ACCES-VR services only, or to provide Pre-ETS to both potentially eligible and eligible SWDs.**

**Services:**

Pre-ETS and the corresponding case service codes are used based on whether the SWD is potentially eligible or applied for and been determined eligible by ACCES-VR. For all Pre-ETS, **except** Work-Based Learning Experience (WBLE) services, the unit of service is a minimum of thirty (30) minutes.

**Note:** Vendors applying to provide Pre-ETS, except Work-Based Learning Experience Wage Reimbursement (Case Service Codes 963X and PE 1001X), **must submit** online as part of their Application a detailed syllabus or curriculum on the content of the proposed service. All syllabi and curricula are reviewed and approved by the District Office **prior** to the provision of any Pre-ETS.

All syllabi and curricula should be adaptable for both individual and group services and modifiable to meet the individualized needs of each SWD. **Services may not be delivered without an approved syllabus or curriculum.** As a syllabus or curriculum is updated or revised, vendors must resubmit and receive approval from the ACCES-VR District Office prior to providing Pre-ETS under any updated or revised syllabus or curriculum.

**POSTSECONDARY OPTIONS COUNSELING (121X and PE 1008X):**

***Unit of service is a minimum of 30 minutes***

Choosing a career requires student exploration and planning. It is essential for SWDs to see how skill development, knowledge and credential attainment relate to future opportunities in postsecondary education and employment, including gaining an awareness of the wide range of career pathway options and labor market realities and projections. This service includes working with SWDs to:

- Research and explore information on course offerings, career options, types of academic, vocational, and occupational training needed to succeed in the workplace, and the postsecondary opportunities associated with a career field or comprehensive transition pathways.
- Advise SWDs and family members on academic curricula, college/vocational training applications and admissions processes, and completing the Free Application for Federal Student Aid (FAFSA).
- Connect to the disability support services that would be available through other state agencies such as OPWDD or OMH

The postsecondary options to be explored include:

- Community Colleges (AA/AS degrees, certificate programs and classes)
- Universities (Public and Private)
- Training programs related to career pathways
- Trade/Technical Schools
- Military

- Postsecondary programs at community colleges and universities for students with intellectual and/or developmental disabilities
- Identifying and accessing accommodations
- Individualized student strategies to support a seamless transition from high school to postsecondary education, including:
  - Identifying technology needs
  - Attending college fairs and tours

**Deliverables and Payment Process:** The vendor must prepare and submit an ACCES-VR Post-Secondary Counseling Options report to ACCES-VR within ten (10) business days of completion of the service. The vendor must offer the ACCES-VR counselor the opportunity to attend a conference at conclusion of the service. The vendor's payment will be processed following approval of the report and supporting documentation by ACCES-VR.

**Payment Rate and Authorization:** Payment per each unit (30 minute minimum) at the rate of:

- Statewide - \$106.43

**Established Performance Indicators**

- Amount of time from authorization start date to commencement of services is ten (10) business days or less
- At least 90% of reports rated superior/satisfactory

**JOB EXPLORATION COUNSELING (122X and PE 1005X):**

***Unit of service is a minimum of 30 minutes***

Providing SWDs with a variety of opportunities to gain information about careers, the skills needed for different jobs and to discover personal career interests are essential to assist SWDs in making an informed career choice. This service is geared to specifically assist SWDs in exploring all interested career pathways and projected employment goals.

Job Exploration Counseling may include:

- Providing information about in-demand industry sectors and occupations (Labor Market)
- Providing information about non-traditional employment options, including military, entrepreneurship, and self-employment
- Administering vocational interest inventories to assist with the identification of career pathways of interest to the SWD
- Exploring the connection between the SWD's abilities and the identified occupations and career pathways of interest
- Teaching soft skills or universal skills
- Understanding the workplace
- Teaching about skills, duties, environments and expectations for specific occupations and career pathways
- Developing opportunities for career speakers and informational interviews
- Exploring relevant career organizations
- Registering and orienting the SWD at local One Stop Career Center/American Job Center and online Department of Labor services

**Deliverables and Payment Process:** The vendor must prepare and submit an ACCES-VR Job Exploration Counseling report to ACCES-VR within ten (10) business days of completion of the service. The vendor must offer the ACCES-VR counselor the opportunity to attend a conference at conclusion of the service. The vendor's payment will be processed following approval of the report and supporting documentation by ACCES-VR.

**Payment Rate and Authorization:** Payment per each unit (30 minute minimum) at the rate of:

- Statewide - \$106.43

**Established Performance Indicators**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports rated superior/satisfactory.

**INSTRUCTION IN SELF-ADVOCACY (124X and PE 1006X):**

***Unit of service is a minimum of 30 minutes***

Student instruction on the ability to effectively communicate, convey, negotiate, or assert one's own interests and/or desires is critical to their future success in employment and independent living. The development of self-advocacy skills should begin at an early age and include the opportunity for peer mentoring. Advocating for oneself means that an individual has the ability to plan one's own life, identify things that are important, and to fully experience life opportunities. It also means taking the responsibility for communicating one's needs and desires in a straightforward manner to others. An individual's mastery and competencies in self-advocacy skills is needed in educational, workplace and community settings. Acquiring these skills will enable SWDs to advocate for support services, including auxiliary aids, and accommodations that may be necessary for secondary/postsecondary education, training, employment, and independence.

Self-Advocacy Skills focus on topics and activities such as:

- Understanding one's disability
- Disclosure of disability
- Decision-making and problem solving
- Safe and responsible use of social media and the internet
- Goal setting
- Self-awareness and independent living skills
- Disability accommodations
- How to request and utilize accommodations
- Understanding your rights and responsibilities
- Understanding work cultures and how to adapt to varying cultures
- Self-determination skills
- How to request and accept help
- Identifying intrinsic strengths and capabilities
- How to take a leadership role in support plans
- Assertiveness skills
- Understanding of your civil rights
- Understanding the value of listening to feedback from others
- Developing positive self-talk skills and understanding the value of and when to utilize those skills
- Connecting with peers and the value of peer-mentoring

- Learning about different services in the community and how to apply for services

**Deliverables and Payment Process:** The vendor must prepare and submit an ACCES-VR Self Advocacy report to ACCES-VR within ten (10) business days of completion of the service. The vendor must offer the ACCES-VR counselor the opportunity to attend a conference at conclusion of the service. The vendor's payment will be processed after the report is approved by ACCES-VR.

**Payment Rate and Authorization:** Payment per each unit (30 minutes minimum) at the rate of:

- Statewide - \$106.43

**Established Performance Indicators**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports rated superior/satisfactory

**WORKPLACE READINESS TRAINING TO DEVELOP SOCIAL SKILLS AND INDEPENDENT LIVING (127X and PE 1007X):**

***Unit of service is a minimum of 30 minutes***

SWDs may need assistance in developing skills that employers expect from their employees. These are the skills and behaviors necessary for any job, such as how to interact with supervisors and co-workers and the importance of timeliness. These skills are often referred to as soft skills, employability skills or job preparation readiness skills. SWDs will develop an understanding of how one is perceived by others and self-awareness in a workplace setting. All jobs require effective social and interpersonal skills no matter the technical skill needed for the job.

Workplace Readiness Training focuses on topics and activities such as:

- Financial literacy
- Troubleshooting when problems arise on the job
- Orientation and mobility skills
- Job seeking skills
- Understanding employer expectations for punctuality, performance, trustworthiness, and reliability
- Appropriate interactions with coworkers
- Employer policies for time and attendance including sick leave and time off requests
- Participating in mock interviews
- Completing an application (paper and electronic)
- Developing a resume and cover letter
- Setting up job/internship interviews and follow up communication
- Attending job fairs
- Understanding the value of soft skills and applying the skills in the workplace
- Understanding the impact of social media on employment, both present and future
- Developing professional communications such as email addresses and voice messages
- Reviewing personal hygiene and grooming expectations in the workplace
- Understanding appropriate clothing across workplace environments and activities (e.g., interview attire vs. employer dress code)

**Deliverables and Payment Process:** The vendor must prepare and submit an ACCES-VR Workplace Readiness Training to Develop Social Skills and Independent Living report to ACCES-VR within ten (10) business days of completion of the service. The vendor must offer the ACCES-VR counselor the opportunity to attend a conference at conclusion of the service. The vendor's payment will be processed after the report is approved by ACCES-VR.

**Payment Rate and Authorization:** Payment per each unit (30 minute minimum) at the rate of:

- Statewide - \$106.43

**Established Performance Indicators**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports rated superior/satisfactory

**WORK-BASED LEARNING EXPERIENCE (WBLE) DEVELOPMENT (557X and PE 1009X):**

***Unit of service is a flat rate upon completion of service***

SWDs need an opportunity to learn about a variety of work options to assist them in identifying a potential career path. WBLE may include opportunities in school or outside of the school setting. WBLEs may be delivered year-round, including weekdays, weekends, holidays, school breaks and in the summer. All site-based WBLEs **must** meet the definition of competitive integrated employment. When a paid WBLE is provided, the wages must be paid at no less than minimum wage.

WBLEs focus on activities and topics such as:

- Workplace tours or field trips
- Job shadowing
- Career mentorship
- Informational interviews
- Paid or non-paid internships and practicums
- Service learning
- Student-led enterprises
- Simulated workplace experience
- Paid or non-paid work experience
- Volunteering
- Career related competitions

**Deliverables and Payment Process:** The vendor must prepare and submit an ACCES-VR Work Based Learning Experience Development report to ACCES-VR within ten (10) business days of completion of the service. The vendor must offer the ACCES-VR counselor the opportunity to attend a conference at conclusion of the service. The vendor's payment will be processed after the report is approved by ACCES-VR.

**Payment Rate and Authorization:** Payment for this service is a flat rate payable upon completion of the service:

- Statewide - \$836.00

**Established Performance Indicators**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports rated superior/satisfactory

**WORK-BASED LEARNING EXPERIENCE (WBLE) WAGE REIMBURSEMENT (963X and PE 1001X):*****Unit of service is each hour worked***

This is a wage reimbursement and administrative cost mechanism to place the SWD on the vendor's payroll during the WBLE when an employer is unable or unwilling to put the SWD on their payroll. The vendor is responsible for withholding all Federal, State, and Local taxes (as applicable) and Federal Insurance Contributions Act (FICA) which includes Social Security and Medicare required contributions. Administrative costs include employer payroll taxes and may include, but are not limited to, the employer's share of Social Security and Medicare required contributions, State Unemployment Insurance (SUI), and State Disability Insurance (SDI).

**Note:** The vendor must provide the ACCES-VR counselor with a minimum of two (2) weeks advanced notice prior to the WBLE start date and the details of the WBLE to ensure that an authorization is completed prior to the customer's start date.

**Deliverables and Payment Process:** The vendor must prepare and submit an ACCES-VR Work Based Learning Experience Wage Reimbursement report and the ACCES-VR all customer's paychecks within thirty (30) business days of completion of the service. The vendor's payment will be processed after the report is approved by ACCES-VR.

**Payment Rate and Authorization:** Payment for this service is per hour of the actual WBLE:

- WBLE Wages Statewide - \$36.58 per hour

**Established Performance Indicators**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports rated superior/satisfactory

**WORK-BASED LEARNING EXPERIENCE (WBLE) MENTOR (964X and PE 1002X):*****Unit of service is hourly***

This service may be used when a SWD participates in a Pre-ETS WBLE in a competitive, integrated employment setting and the employer does not provide a new employee/intern orientation which would familiarize an employee with the work environment and expected task(s). This service includes the typical, general training provided to any employee/intern to learn the new tasks and responsibilities in a work experience, regardless of the existence or nature of a disability.

**Note:** This is not a job coaching service and this service is short-term.

The WBLE Mentor will familiarize the SWD to the worksite, show them how to navigate the environment, explain expected responsibilities (e.g., time and attendance activities such as check in and out, break schedule, etc.), and show them job tasks to meet the WBLE employer's expectations. All training must be specific to the WBLE environment.

**Deliverables and Payment Process:** The vendor must prepare and submit an ACCES-VR WBLE Mentor report to ACCES-VR within ten (10) business days of: the end of the month in which the service was provided OR at the intervals identified by ACCES-VR OR at the request of ACCES-VR. The vendor must offer the ACCES-VR counselor the opportunity to attend a conference at conclusion of the service. The vendor's payment will be processed after the report is approved by ACCES-VR.

**Payment Rate and Authorization:** Payment for this service is per hour. The number of hours is determined by the ACCES-VR counselor:

- WBLE Mentor Statewide - \$78.38 per hour

**Established Performance Indicators**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports rated superior/satisfactory



## Entry Services

### Applicants Must Complete Section 1-B in the Online Application To Apply To Provide Any of These Services

#### Definition:

Individuals with disabilities are assisted by vendors with initial activities for entry into ACCES-VR services, thereby expediting the application and/or eligibility determination process and expanding the potential number of individuals to be served by ACCES-VR. This assistance may include general orientation services and/or gathering and preparing information necessary for the ACCES-VR counselor to determine eligibility.

#### Services:

These services may be delivered through the two methods described below, based upon the extent of the assistance offered by the vendor, and requested by the District Office.

#### **ENTRY SERVICE I: SERVICE TO GROUPS (1000X):**

***Unit of service is one session (1.5 - 2 hours)***

This is an orientation to ACCES-VR services for potential ACCES-VR customers. It provides a general overview of ACCES-VR and the vocational rehabilitation (VR) process and may include:

- Assistance in completing an ACCES-VR application and consents
- Providing potential applicants with medical disability forms to document the potential applicant's disability, as needed for ACCES-VR's eligibility determination
- Referral information for other needed services

This service requires vendor staff participation in training provided by ACCES-VR, utilization of ACCES-VR information script and materials, and is scheduled only by prior arrangement with the ACCES-VR District Office purchasing the service. This service may be a standalone service or the initial service in combination with other entry services, as noted below. It may be provided remotely, or in-person at the vendor's location, school districts, local One-Stop Career Centers, or other community locations.

**Note:** Vendors are **required to use only** approved ACCES-VR materials, including all speaker notes and talking points, and **are not allowed** to modify those materials, including speaker notes and talking points.

**Deliverables and Payment Process:** This is a "Service to Groups" of individuals not yet active with ACCES-VR. Vendor must conduct Orientation using ACCES-VR provided materials and information without modifications. Vendor must ensure that all Orientation locations are accessible to all individuals with disabilities, reasonable accommodations of individuals in attendance are provided, all language barriers, including but not limited to language interpretation, are accommodated, and individual confidentiality is maintained.

The vendor must prepare and submit an ACCES-VR Orientation Vendor report to ACCES-VR within ten (10) business days of the end of the month in which the service was provided OR at the intervals identified by ACCES-VR OR at the request of ACCES-VR. The vendor will provide supporting reports/documentation of attendance, customer satisfaction survey and the application information sheet. The vendor's payment will be processed after the report and supporting documentation is approved by ACCES-VR.

**Payment Rate and Authorization:** Payment for this service is per session at the rate of:

- Statewide - \$313.50

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports rated superior/satisfactory

**ENTRY SERVICES II: SERVICE TO INDIVIDUALS (118X):**

***Unit of service is submission of a completed application and eligibility determination information***

The vendor assists applicants who:

- Are not able to complete the ACCES-VR application without assistance, and
- Need assistance gathering the disability information needed for ACCES-VR's eligibility determination.

The vendor will compile the application information specified by the local District Office and gather the medical, diagnostic, and other information required by ACCES-VR to determine eligibility. The vendor is not expected to purchase any assessment and/or medical evaluations necessary for the ACCES-VR eligibility determination. The vendor will work with the local District Office if additional ACCES-VR medical authorizations are needed, to provide the applicant with information required for the ACCES-VR eligibility determination. A unit of service is defined as completion and receipt of the application and eligibility determination information in the appropriate ACCES-VR District Office. The eligibility determination information includes medical, diagnostic, and other information as predetermined by the ACCES-VR District Office.

**NOTE:** This service is not intended for customers currently active with the vendor for whom sufficient referral information is currently retained by that vendor. These cases must be referred to ACCES-VR through the standard referral process.

**Deliverables and Payment Process:** This is an outcome-based service where the vendor has gathered all the requested documentation needed to assist ACCES-VR in making an eligibility determination. The vendor must prepare and submit an ACCES-VR Entry Services Level 2 report to ACCES-VR within ten (10) business days of completion of the services. The vendor must provide supporting reports/documentation with the information requested by ACCES-VR. The vendor's payment will be processed after the report and supporting documentation is approved by ACCES-VR.

**Payment Rate and Authorization:** Payment for this service is a flat rate payable upon completion of the service:

- Statewide - \$194.01

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is five (5) business days.

- At least 90% of reports are rated as superior/satisfactory

## Assessment Services

### Applicants Must Complete Section 1-C in the Online Application To Apply To Provide Any of These Services

**NOTE:** The following definitions in this section do not apply to the types of assessment needed for technology, vehicle, or home modifications, or to those services covered under contractual arrangements with psychologists.

#### Definition:

For ACCES-VR, assessment is ongoing and person-centered, occurring at critical decision points throughout the vocational rehabilitation process. Assessment services are designed to obtain information that will help clarify ACCES-VR eligibility questions, and/or assist both the customer and ACCES-VR counselor in the development of an appropriate Individualized Plan for Employment (IPE) goal. Assessment information describes the customer's strengths, skills, aptitudes, interests, capacities, behaviors, work readiness and functional limitations and provides suggested vocational options consistent with these findings. Assessments may include an appraisal of:

- The patterns of work behavior of the customer
- The services needed for the customer to acquire occupational and/or vocational skills necessary to develop work attitudes, work habits, work tolerance, and work-related behaviors that lead to successful job performance.

The product of assessment services is a personalized report highlighting the testing/community assessment results as applied to the customer's vocational strengths, capabilities, capacities, functional limitations, and potential employment options and individualized recommendations. Please note the Functional Capacity Assessment must be provided in person. The rest of the assessment services have the option of being provided remotely EXCEPT when using standardized testing not approved for remote administration.

#### Services:

##### **CAREER EXPLORATION ASSESSMENT (120X):**

*Unit of service is one hour*

The vendor vocational evaluator meets with the ACCES-VR customer for a comprehensive evaluation including reviewing/evaluating the individual's education, work experience, skills, interests, and aptitude areas. Additionally, during the assessment period, referral information, information obtained during interviews, career interest tools, and structured career exploration activities are expected to be utilized by the evaluator. This allows the evaluator to better understand the individual's unique factors, strengths, needs, interests, impediments to employment (e.g., criminal history; neurodiversity), and how those factors may impact employment. As a result of the assessment activities, the evaluator recommends a variety of strategies for job development, placement, and retention. This service may be used to guide an individual through the process of determining the appropriateness of an employment goal including a review of interests, labor market analysis, job requirements and local/regional employment demand/employers.

**Deliverables and Payment Process:** Upon completion of the service, the vendor must submit the ACCES-VR Career Exploration Assessment report to ACCES-VR within ten (10) business days. The report must contain specific recommendations for flexible strategies for job development, placement,

and retention. After the report is completed a team conference will be scheduled with the individual and ACCES-VR counselor to discuss the recommendations. The vendor's payment will be processed after the Career Exploration Assessment report is approved by ACCES-VR.

**Payment Rate and Authorization:** Payment for this service is per hour with a maximum of ten (10) hours in an agency setting at the rate of:

- Statewide - \$88.69

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports rated superior/satisfactory

### **DIAGNOSTIC VOCATIONAL EVALUATION (DVE) / COMMUNITY-BASED SITUATIONAL ASSESSMENT (CBA) (110X)**

***Unit of service is a five (5) hour day***

Evaluation in an agency setting or in a community locale associated with the vendor. This service may include standardized work samples, self-administered tests, and/or actual hands-on work with direct observation and may be done individually or as a group. The unit of service is defined as a minimum of a five (5) hour day up to a maximum of fifteen (15) days and can be billed in half days (2.5 hours) if necessary.

**Deliverables and Payment Process:** Upon completion of the service, the vendor will prepare and submit the ACCES-VR Diagnostic Vocational Evaluation/Community Based Situational Assessment report and a Vocational Assessment Profile Report to ACCES-VR within ten (10) business days. Payment for this service will be processed following approval of the reports by ACCES-VR. The vendor must offer the customer and the ACCES-VR counselor the opportunity to attend a conference at the conclusion of the service. For customers who do not complete the service, the vendor must complete the Vocational Assessment Profile Report based on information that was available from the period of participation in order to be considered for approval and payment

The Vocational Assessment Profile Report is a balanced profile of the customer that describes the purpose and one or more proposed employment goal(s); attributes and capacities; interests and preferences; priorities; values and ideals; travel and mobility skills, including access to transportation; supports needed; networks and resources, including natural supports; and community connections. The Vocational Assessment Profile Report may also identify alternative customized strategies, including job creation and job carving, to facilitate matches on important employment factors and support needs. This information can guide the customer and job developer to identify employers who may be willing to restructure or create a job uniquely suited for both the needs of the employer and the skills of the individual. The profile must recommend an action plan that clearly details how resources will be applied to specific activities and task responsibilities with timelines. The Vocational Assessment Profile Report should enable the ACCES-VR counselor and the customer to develop or refine the Individualized Plan for Employment (IPE).

**Payment Rate and Authorization:** Payment for this service is per day in an agency setting at the rate of:

- Statewide - \$83.15

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports rated superior/satisfactory

**COMMUNITY-BASED WORKPLACE ASSESSMENT (CBWA) (112X):*****Unit of service is one hour***

This service includes the development of a work and/or community evaluation site according to the identified interests and known employment factors of the individual. The vendor, in consultation with the ACCES-VR counselor and the individual participating in the assessment, develops an individualized strategy for assessment activities leading to a balanced vocational profile. If required for a quality assessment, the vendor may arrange for two or more different work or community sites. The sites for this process are actual employer sites or integrated community sites, **not vendor-based/facility-based locations**.

The evaluator accompanies the customer to the work and community site to observe and determine tasks and skills that are relevant to job placement and the kind of work environment the customer needs to succeed in a job. This assessment gives the customer hands-on experience in an actual worksite or a community site allowing direct observations by the evaluator.

The CBWA may also include selected observations of the customer in other integrated community situations (e.g., school, home) if directly applicable to yielding detailed information about their skills and capacities, as well as the conditions they need to be successful in the workforce. Additionally, the evaluator may also interview significant others (family, friends, teacher, professionals, spouse, and others who know the person well) to gather additional information on the individual's capacities. These activities are focused on gaining a comprehensive, person-centered assessment of the customer's strengths, capabilities, needs, skills, and experiences.

A group planning session, including the customer, the evaluator, the ACCES-VR counselor, and significant others, when applicable, is conducted to summarize findings from the observations and to further develop and refine the vocational profile.

Community-based workplace assessments are done on an individual basis. The number of hours is determined by the ACCES-VR counselor, in consultation with the vendor, to meet the customer's assessment needs. The ACCES-VR counselor may use this service as a Trial Work Experience to assist in the ACCES-VR eligibility determination.

The vendor is expected to develop a worksite within fifteen (15) business days of authorization. If the vendor is experiencing challenges with the development within this timeframe, the vendor must contact and discuss strategies with the ACCES-VR counselor within ten (10) business days. Additionally, the vendor is required to submit written documentation outlining the reasons for any delay to the ACCES-VR counselor within those ten (10) business days.

**Deliverables and Payment Process:** Upon completion of the service, vendor must submit the ACCES-VR Community Based Work Assessment report and a Vocational Assessment Profile Report to ACCES-VR within ten (10) business days. Payment for this service will be processed following approval

of the reports by ACCES-VR. The vendor must offer the customer and the ACCES-VR counselor the opportunity to attend a conference at the conclusion of the service. For customers who do not complete the service, the vendor must complete the Vocational Assessment Profile Report based on information that was available from the period of participation in order to be considered for approval and payment.

The Vocational Assessment Profile Report is a balanced profile of the customer that describes the purpose and one or more proposed employment goal(s); attributes and capacities; interests and preferences; priorities; values and ideals; travel and mobility skills, including access to transportation; supports needed; networks and resources, including natural supports; and community connections. The Vocational Assessment Profile Report may also identify alternative customized strategies, including job creation and job carving, to facilitate matches on important employment factors and support needs. This information can guide the customer and job developer to identify employers who may be willing to restructure or create a job uniquely suited for both the needs of the employer and the skills of the individual. The profile must recommend an action plan that clearly details how resources will be applied to specific activities and task responsibilities with timelines. The Vocational Assessment Profile Report should enable the ACCES-VR counselor and the individual to develop or refine the Individualized Plan for Employment (IPE).

**Payment Rate and Authorization:** Payment for this service is per hour at the rate of:

- Region 1 - \$83.15
- Region 2 - \$72.06
- Region 3 - \$77.60

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is fifteen (15) business days
- At least 90% of reports rated superior/satisfactory

**STANDARDIZED TESTING / SPECIALIZED EVALUATIONS (100X):**

***Unit of service is one hour***

This evaluation is a bank of assessments that may be used to measure a customer's academic achievement, aptitudes, cognitive abilities, personality, vocational interests, sensory/motor skills and compares the results to an appropriate sample population. This service is provided on an individual basis. Standardized Tests and Specialized Evaluations include but are not limited to standardized, computerized, or other assessment systems such as Woodcock-Johnson Tests of Cognitive Ability.

**Deliverables and Payment Process:** Upon completion of the service, the vendor must submit the ACCES-VR Standardized Testing and Specialized Evaluation report and a Vocational Assessment Profile Report to ACCES-VR within ten (10) business days. Payment for this service will be processed following approval of the reports by ACCES-VR. The vendor must offer the customer and the ACCES-VR counselor the opportunity to attend a conference at the conclusion of the service. For customers who do not complete the service, the vendor must complete the Vocational Assessment Profile Report based on information that was available from the period of participation in order to be considered for approval and payment.

The Vocational Assessment Profile Report is a balanced profile of the customer that describes the purpose and one or more proposed employment goal(s); attributes and capacities; interests and

preferences; priorities; values and ideals; travel and mobility skills, including access to transportation; supports needed; networks and resources, including natural supports; and community connections. The Vocational Assessment Profile Report may also identify alternative customized strategies, including job creation and job carving, to facilitate matches on important employment factors and support needs. This information can guide the customer and job developer to identify employers who may be willing to restructure or create a job uniquely suited for both the needs of the employer and the skills of the individual. The profile must recommend an action plan that clearly details how resources will be applied to specific activities and task responsibilities with timelines. The Vocational Assessment Profile Report should enable the ACCES-VR counselor and the individual to develop or refine the Individualized Plan for Employment (IPE).

**Payment Rate and Authorization:** Payment for this service is per hour at the rate of:

- Region 1 - \$161.86
- Region 2 - \$145.23
- Region 3 - \$152.99

**Established Performance Indicators**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports rated superior/satisfactory

**FUNCTIONAL CAPACITIES EVALUATION (052X):**

***Unit of service is a completed evaluation***

A functional capacity evaluation (FCE) evaluates a customer's capacity to perform work activities related to their participation in a desired occupation. It can also be used to determine in which industries a customer, based on their physical capabilities, has the capacity to successfully meet the demands of job tasks. The FCE compares the individual's health status and physical functioning to the demands of the job and the work environment. A FCE consists of a battery of standardized assessments that offers results in performance-based measures and demonstrates predictive value about the customer's ability to work or return to work.

**Deliverables and Payment Process:** Upon completion of the service, the vendor must submit the ACCES-VR Functional Capacity Evaluation (FCE) report to ACCES-VR within ten (10) business days. Payment for this service will be processed following the approval of the FCE report by ACCES-VR. The vendor must offer the customer and the ACCES-VR counselor the option of attending a conference at conclusion of the service.

**Payment Rate and Authorization:** Payment for this service is per evaluation at a flat rate of:

- Statewide - \$888.25

**Established Performance Indicators**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports rated superior/satisfactory



## Employment Preparation Services

### Applicants Must Complete Section 1-D in the Online Application To Apply To Provide Any of These Services

#### Definition:

Customers are assisted by vendors in development of job-related skills. In preparing for employment, a customer may engage in Benefits Advisement to determine the effects work will have on their public benefits. Self- Advocacy for Employment helps individuals to understand the ADA and how to request reasonable accommodations on the job site. Work Readiness Services include components that enable the customer to successfully develop the following individual capacities for achieving and maintaining employment: work behaviors, social skills in the work setting, effective communication, accepting supervision, problem solving, grooming and hygiene, goal setting and work tolerance. Other areas of concern may also be addressed including work-related daily living skills, disability awareness, work traits and work ethics, which may be provided as part of IPE development or as an IPE service. This always includes a focus on acquisition of the requisite “soft skills” applicable across a variety of employment settings. The higher levels of this service also include development of vocational skill sets focused on specific fields of employment. While typically provided in a group setting, these vocational adjustment services may be provided one-on-one. The highest level of this service (Work Readiness 3 – Skill Development and Work Experience) will include work readiness skill development in a community-based setting.

#### Services:

##### **BENEFITS ADVISEMENT (175X):**

*Unit of service is one hour*

Individuals with disabilities are often involved with, or will benefit from, a range of benefit programs such as the Social Security Administration’s Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Medicaid and/or Medicare. Other benefits commonly received by ACCES-VR customers include private insurance coverage, financial planning, food stamps, Plan to Achieve Self-Support (PASS), public assistance benefits (e.g., Family Assistance or Safety Net benefits), student loans, other financial aid benefits (e.g., Tuition Assistance Program (TAP) and Pell grants), and federal and state tax provisions which reduce tax liability. These benefit programs have criteria for initial or continued coverage. Many are based on financial need criteria, and some have specific rules governing how work and wages affect eligibility or benefit amounts; others may allow ACCES-VR customers to exercise specific options while working. The use of Benefits Advisement enables customers to use existing work incentives to maximize earnings from employment and achieve the greatest degree of self-sufficiency, without losing essential benefits (e.g., Medicaid, Medicaid-Waiver Services) necessary for their well-being.

The intent of the Benefits Advisement service is to allow customers to make informed choices concerning the range of benefits they receive or that are available to them, including work incentives as they participate in education, training, and employment. Planned use of work incentives allows ACCES-VR customers to maximize earnings and economic self-sufficiency, a primary goal of the ACCES-VR program under WIOA. Benefits Advisement can be authorized at any point in the vocational rehabilitation process, from assessment through job placement and retention, based on the need of the customer to make informed choices about employment, earnings, and impact on essential benefits.

Vendors delivering this service provide timely and accurate information to customers about one or more benefit programs related to the pursuit of their Individualized Plan for Employment (IPE) goals. The vendor may assist the customer with applying for benefit programs or supports necessary to meet IPE goals and successful independent living.

This service is delivered one-on-one. The vendor provides a Benefits Advisement checklist of topics addressed and may also provide the individual with written materials such as a benefits fact sheet.

**Deliverables and Payment Process:** Upon completion of the service, the vendor must submit the ACCES-VR Benefits Advisement report to ACCES-VR within ten (10) business days. Payment for this service will be processed following approval of the Benefit Advisement report by ACCES-VR.

**Payment Rate and Authorization:** Payment for this service is per hour at the rate of:

- Statewide - \$62.70 per hour

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- 90% of reports received rated superior/satisfactory

**SELF-ADVOCACY FOR EMPLOYMENT (123X):**

***Unit of services is one hour (individual or group)***

Self-Advocacy for Employment emphasizes career and employment exploration; understanding a range of employment opportunities to choose from; recognizing personal strengths, talents, compensatory skills, including natural and family supports, and disability-specific accommodation needs; disclosure of disability; learning employment rights under Title I of the Americans with Disabilities Act (ADA) and learning when and how to request reasonable accommodation. The desired outcome of this service is the customer will attain a set of core skills needed to identify personal needs and wants as they begin career and employment exploration. At the conclusion of this service, customers will actively demonstrate a set of competencies and acquired skills that will enable them to navigate through their challenges related to employment. These personal criteria will then empower a customer to develop an individualized plan of strategies in preparation to engage and fully participate in the career development and employment process.

**Note:** A unit of service is one hour of either individual or group training or a combination of individual and group training based on individual need.

**Deliverables and Payment Process:** Upon completion of the service, the vendor must submit the ACCES-VR Self Advocacy for Employment report that includes a checklist of newly mastered skills and competencies resulting from individual or group training in Self-Advocacy for Employment to ACCES-VR within ten (10) business days. Payment for this service will be processed following approval of the reports by ACCES-VR.

**NOTE:** All potential vendors of Self-Advocacy for Employment must submit online as part of their Application a detailed syllabus or curriculum, and each must be reviewed and approved by the ACCES-VR District Office prior to the provision of any Employment Preparation Services.

**Payment Rate and Authorization:** Payment for this service is at an hourly rate of:

- Statewide- \$55.44 per hour

**Established Performance Indicators**

- The amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports received rated satisfactory or superior

**WORK READINESS TRAINING**

**Definition:**

Customers are assisted by vendors in the development of job-related skills. Work Readiness Training services include components that enable the customer to successfully develop the following capacities for achieving and maintaining employment: work behaviors, social skills in the work setting, effective communication, accepting supervision, problem solving, grooming and hygiene, goal setting and work tolerance.

Other areas of concern may also be addressed including work-related daily living skills, disability awareness, work traits and work ethic. The higher levels of this service also include development of vocational skills focused on specific fields of employment. While typically provided in a group setting, these Work Readiness Training services (also known as vocational adjustment services) may be provided one-on-one. The highest level of this service (Work Readiness 3 – Skill Development and Work Experience) will include work readiness skill development in a community-based setting.

**Services:**

ACCES-VR counselors select the needed level of Work Readiness Training with the understanding that the higher levels of skill development include all the elements of the preceding Work Readiness Training level(s). If, following services at a lower level, it is determined the customer can progress to a higher level than previously anticipated, the authorization for the subsequent level will be of a shorter duration, as agreed upon with the customer and vendor. These skill development services can be authorized as follows in the three modules listed below.

**NOTE:** All potential vendors of Work Readiness Training services must submit online as part of their Application a detailed syllabus or curriculum on the content of the proposed Work Readiness Training services, and each must be reviewed and approved by the ACCES-VR District Office prior to the provision of any Work Readiness Training Services.

**WORK READINESS 1 – SOFT SKILLS TRAINING (125X):**

***Unit of service is one hour (individual or group) up to a maximum of 60 units per customer***

This service is a defined set of activities that lead to the acquisition of specific “soft” skills by the customer. They are primarily focused on tasks such as learning acceptable work and social conduct in the workplace, the culture of the workplace, preparing a resume, motivation for work and maintaining a job, and other skills including, but not limited to, work-related daily living skills, disability awareness, transportation and home health management that are applicable across a variety of employment settings.

**Deliverables and Payment Process:** Upon completion of approved Work Readiness 1 - Soft Skills Training services, the vendor must submit the ACCES-VR Work Readiness 1 - Soft Skills Training report to ACCES-VR within ten (10) business days. Each report must indicate the type of services provided and the customer's progress acquiring soft skills that will support the development of an employment goal. The vendor's payment will be processed following approval of the reports by ACCES-VR.

**Payment Rate and Authorization:** Payment for this service is at an hourly at rate of:

- Statewide - \$106.43 per hour

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reported services rated superior/satisfactory

**WORK READINESS 2 – SKILL DEVELOPMENT (625X):**

***One unit of service is a minimum of a five-hour day up to a maximum of 40 days and can be billed in half units (2.5 hours), if necessary.***

In addition to the Work Readiness 1 Soft Skills Training listed above, this service is a defined set of activities that lead to development of skills for a specific career outcome (e.g., skill development in retail sales, utility worker, or other generic job areas) consistent with Individualized Plan for Employment (IPE) goals and locally available employment opportunities. The specified skill development is primarily at the vendor's facility or may be at a community site and the activity is not applicable for licensure by NYSED's Bureau of Proprietary School Supervision (BPSS). The skills acquired must be appropriate for entry level work in the field of preparation and/or transferable to other job areas. The expected vocational service outcome must be consistent with the customer's IPE.

**Deliverables and Payment Process:** Upon completion of approved Work Readiness Services 2 – Skill Development, the vendor must submit an ACCES-VR Work Readiness Services 2 – Skill Development report to ACCES-VR within ten (10) business days. Each report must indicate the type of services provided, the customer's progress toward the employment outcome specified in the IPE and be in a format approved by ACCES-VR and submitted at intervals designated by ACCES-VR. Progress reports are submitted at mid-point and at conclusion of service. The vendor's payment will be processed following approval of the reports by ACCES-VR.

**Payment Rate and Authorization:** Payment for this service is per day at the rate of:

- Statewide - \$106.43

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports of services rated superior/satisfactory

**WORK READINESS 3 – SKILL DEVELOPMENT AND WORK EXPERIENCE (630X)**

***One unit of service is a minimum of a five-hour day up to a maximum of 60 days and can be billed in half units (2.5 hours), if necessary.***

In addition to the Work Readiness 1 Soft Skills Training and the Work Readiness Services 2 Skill Development listed above, this service is a defined set of activities that lead to development of skills for a specific career outcome (e.g., skill development in retail sales, utility worker, or other generic job areas) consistent with Individualized Plan for Employment (IPE) goals and locally available employment opportunities. It is expected that at least one third of Work Readiness Services 3 Skill Development with Work Experience will include work readiness skill development in a community-based setting. The expected outcome is the customer will have a real work experience and have acquired work readiness skills associated with a specific career area identified in their Individualized Plan for Employment (IPE) and job placement.

**Deliverables and Payment Process:** Upon completion of approved Work Readiness Services 3 Skills Development with Work Experience, the vendor must submit an ACCES-VR Work Readiness Services 3 Skills Development with Work Experience report to the ACCES-VR counselor within ten (10) business days. Services rendered must enable the customer to learn the essential functions of the job and to meet employer expectations sufficient for job retention. The vendor's payment will be processed following approval of the reports by ACCES-VR.

**Note:** If a customer is employed as a direct result of the Work Readiness Services 3 Skill Development with Work Experience, a job retention authorization may be provided to the vendor by ACCES-VR. (Refer to Job Retention Services 932X/937X below for details on 90-day job retention.)

**Note:** Authorizations for customers who have previously participated in Work Readiness 1 – Soft Skills and/or Work Readiness 2 – Skill Development services with the same vendor will be reduced accordingly.

**Payment Rate and Authorization:** Payment for this service is per day at the rate of:

- Statewide - \$106.43

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports of services rated superior/satisfactory
- At least 75% of customers receiving this service will be successfully employed.

## Job Placement Services

### Applicants Must Complete Section 1-E in the Online Application To Apply To Provide Any of These Services

#### Definition:

ACCES-VR customers are served by vendors with employment-related services necessary to obtain, maintain, or advance in competitive, integrated employment. It is ACCES-VR's expectation that the employment be consistent with each customer's Individualized Plan for Employment's (IPE) employment goal. The vendor shall not deliver services inconsistent with the established employment goal and services on the individual's IPE. If the vendor is notified by the ACCES-VR customer of a desire or need to change the employment goal or service as documented on the IPE, the vendor must:

- Advise the customer to contact the ACCES-VR counselor, and
- Notify the ACCES-VR counselor immediately and schedule a case conference with the customer, vendor and ACCES-VR counselor.

**Note:** Should a vendor proceed with services inconsistent with the IPE employment goal and/or service, the vendor will not be paid.

#### Services:

These services may be delivered individually or sequentially/bundled predicated upon the individual needs of the ACCES-VR customer, as identified by the ACCES-VR counselor.

**Note:** These services (with the exception of Employment Customization) are not designed for individuals who meet the criteria for Supported Employment services.

#### WORK EXPERIENCE DEVELOPMENT (559X):

*Unit of service is a completed work experience*

This service is designed to provide customers with real work experiences and opportunities to network in business environments consistent with their employment goal. Vendors providing this service secure an employer-based work experience (unpaid or paid). The vendor is responsible for setting up the work experience, monitoring the customer's progress, and making the arrangements for completion of required paperwork with the employer. This service can be provided as a stand-alone service or may be packaged with other ACCES-VR services Work Try-Out (WTO) and On-the-Job-Training (OJT).

**Deliverables and Payment Process:** The vendor must submit an ACCES-VR Work Experience Development report to ACCES-VR describing the work experience site that has been developed **and** the individual's progress throughout the work experience, within ten (10) business days of the service completion. The vendor's payment will be processed following approval of the report by ACCES-VR.

**Payment Rate and Authorization:** This is a flat fee service at the rate of:

- Statewide - \$665.18

#### Established Performance Indicators:

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports rated superior/satisfactory

**COMMUNITY WORK EXPERIENCE WAGE REIMBURSEMENT (958X):*****Unit of service is hourly and covers the hours worked by the ACCES-VR customer***

This is a wage reimbursement and administrative cost mechanism when an employer is unable or unwilling to put the customer on their payroll. This service, which may be used for up to 320 hours of a paid work experience, reimburses the vendor to pay the customer minimum wage, and not the prevailing wage if different, and is inclusive of administrative payroll costs. The vendor is responsible for withholding all Federal, State, and Local taxes (as applicable) and Federal Insurance Contributions Act (FICA) which includes Social Security and Medicare required contributions. Administrative costs include employer payroll taxes and may include, but are not limited to, the employer's share of Social Security and Medicare required contributions, State Unemployment Insurance (SUI), and State Disability Insurance (SDI). The vendor must provide the ACCES-VR counselor with a minimum of two (2) weeks advanced notice prior to the work experience start date and the details of the work experience to ensure that an authorization is completed prior to the customer's start date.

**Temporary staffing agencies are not eligible to be a vendor for this service.**

**Note:** The unit of service is defined as an hourly rate based upon the number of hours (up to maximum 320 unless approved by ACCES-VR) that an ACCES-VR customer works.

**Deliverables and Payment Process:** The vendor must submit an ACCES-VR Community Work Experience Wage Reimbursement report to ACCES-VR with supporting documentation (including all paystubs) verifying that the vendor has placed the ACCES-VR customer on their payroll, within thirty (30) business days of completion of the service. The vendor's payment will be processed following approval of the report and supporting documentation by ACCES-VR.

**Payment Rate and Authorization:** The vendor is paid for the service following submission of duplicate pay stubs for the total number of hours worked at an hourly at a rate of:

- Statewide - \$31.35

**Established Performance Indicators:**

- Amount of time from the start date of the authorization start date to commencement of services is ten (10) business days
- At least 90% of reports rated superior/satisfactory

**COACHING SUPPORTS FOR EMPLOYMENT (959X), DEAF AND BLIND COACHING SUPPORTS FOR EMPLOYMENT (563X):*****Unit of service is one hour***

These services include interventions that can be used when the customer is employed and provided with assistance and support, on or off the job site, in activities that are employment-related and needed to promote job development, adjustment, and retention. Service duration will be determined by the ACCES-VR counselor depending upon the customer's Individualized Plan for Employment (IPE). Activities may include, but are not limited to, job orientation, job destination/transportation training, resume writing, interviewing skills, teaching basic job tasks, supervision at the worksite, supervisor consultation, assistance in integrating into the work environment or adjusting to changes in the work

environment, assistance with public support agencies, the provision of supports due to changes in job duties, family and residential vendor consultation, and ongoing contact with the customer and/or employer to ensure continued job satisfaction and coaching supports in paid work experiences. For individuals who are blind or visually impaired, authorizations are provided by the New York State Commission for the Blind and not ACCES-VR.

**Note:** This service is time limited, and the ACCES-VR counselor will determine the appropriate number of hours.

**Deliverables and Payment Process:** Vendor must prepare and submit the ACCES-VR Coaching Supports for Employment report within ten (10) business days of: the end of the month in which the service was provided OR at the intervals identified by ACCES-VR OR at the request of ACCES-VR. The report will outline the services delivered, status of the customer's current employment and outcome of the intervention provided. The vendor's payment will be processed following approval of the report and supporting documentation by ACCES-VR.

**Payment Rate and Authorization:** Payment for this service is at the hourly rate of:

- Coaching Supports (959X) Region 1 - \$67.62
- Coaching Supports (959X) Regions 2 and 3 - \$51.00
- Deaf and Blind Coaching Supports (563X) Region 1 - \$75.39
- Deaf and Blind Coaching Supports (563X) Regions 2 and 3 - \$60.98

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of service is five (5) business days
- At least 90% of reports rated superior/satisfactory
- At least 75% of customers receiving this service will achieve a successful employment outcome (e.g., case closure)

**EMPLOYMENT CUSTOMIZATION (510X):**

***Unit of service is a flat rate covering employment and at least ten (10) completed days of paid employment***

Employment customization requires a blend of flexible strategies that result in an ACCES-VR customer obtaining individually designed employment. This includes customizing a job description based on the employer needs and developing a set of job duties, work schedule, and specifics of supervision that will match the customer's employment factors and rehabilitation needs. A key factor in deciding if a service is a customized employment service is the presence of employer negotiation, including, but not limited to:

- Customizing a job description based on current unidentified and unmet needs of the employer and the needs of the employee
- Developing a unique set of job duties or tasks
- Developing a flexible work schedule (including determining hours worked)
- Determining an accessible job location
- Developing a job arrangement (such as job carving, job sharing, or a split schedule)
- Determining specifics of supervision
- Negotiating and specifying any accommodations required to perform the job



**Note:** This service may be provided with either direct job placement service or with supported employment services. Vendors interested in providing both Employment Customization and Supported Employment **must complete both Section 1-E (apply for Job Placement Services) and Section 1-F (apply for Supported Employment Services) and must note capacity for both services.**

**Deliverables and Payment Process:** Vendor must submit an ACCES-VR Customized Employment report that documents the specific customized employment activities related to assessing the customer's strengths and working with an employer to match a set of job responsibilities to those strengths, within ten (10) business days of completion of services. The vendor's payment will be processed following approval of the report and supporting documentation by ACCES-VR.

**Payment Rate and Authorization:** This is a flat fee service at a rate of:

- Statewide - \$1,881.00

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of service is ten (10) business days
- At least 90% of reports rated superior/satisfactory

**DIRECT PLACEMENT INTAKE (921X):**

***Unit of service is a completed intake***

- This service is one-to-one and designed to permit the ACCES-VR customer being referred for services and the vendor to determine if there is an adequate match in the following areas: the vocational goal, the job search methodologies, and mutual expectations. It may be utilized as an assessment or placement service, including evaluation of employability, or as a pre-screening service relative to placement potential in a particular occupation. This service cannot be authorized if the ACCES-VR customer has received direct job placement services from the vendor within the past 12 months.

**Deliverables and Payment Process:** Vendor must submit an ACCES-VR Direct Placement Intake report within ten (10) business days of completion of services. The vendor's payment will be processed following approval of the report by ACCES-VR.

**Payment Rate and Authorization:** This service is a flat fee at the rate of:

- Statewide - \$194.01

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports rated superior/satisfactory

**JOB SEEKING AND DEVELOPMENT SERVICES (929X), JOB SEEKING AND DEVELOPMENT DEAF AND BLIND SERVICES (935X):**

***Unit of service is a completed ACCES-VR Job Seeking and Development Services report and supporting documentation.***

These services are designed to equip the customer with the necessary skills to participate in the job search process, to the greatest degree possible. It may include, but not be limited to, workplace behavior skills training, job application training, job seeking skills training, interviewing skills training, and/or job retention skills training. This service includes simultaneously providing the ACCES-VR counselor with an up-to-date resume for the customer, providing documented verification that the customer is registered with the local One-Stop Career Center (or providing a written attestation from the customer declining to register at the local One-Stop Career Center), and performing individual job development activities such as following up on job leads through both direct and indirect contact with employers. It is expected that these activities conducted by the vendor will be for a minimum of ten hours monthly. For individuals who are blind or visually impaired, authorizations are provided by the New York State Commission for the Blind and not ACCES-VR. In the event that the customer loses their job and both the customer and ACCES-VR counselor agree additional placement services are necessary, this service may be repeated.

**Deliverables and Payment Process:** Vendor must submit an ACCES-VR Job Seeking and Development Services report detailing at least 10 hours of job development, a completed job development plan, and resume within ten (10) business days of completion of services. The vendor's payment will be processed following approval of the report and additional information by ACCES-VR. Note: Vendors must continue to submit a monthly report describing the services provided until employment is obtained.

**Note: This service shall not be billed concurrently with Direct Placement Intake (921X).** This service can only be billed after ten (10) hours of direct service related to job seeking and development have been delivered **after the intake has been completed.**

**Payment Rate and Authorization:** Payment for this service is a flat fee that is paid at the completion of service, not monthly, at the rate of:

- Statewide - \$859.20
- Deaf and Blind Service Statewide - \$2,106.42

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports rated superior/satisfactory
- At least 75% of customers receiving placement services will be successfully employed

**JOB PLACEMENT (931X), JOB PLACEMENT DEAF AND BLIND SERVICES (936X):**

***Unit of service is a completed ACCES-VR Job Placement Report and supporting documentation including copy of paystub.***

These are an outcome-based service that is paid when an ACCES-VR customer starts working on a paid, competitive, integrated job that meets the customer's employment goal as established on the Individualized Plan for Employment (IPE) and is being paid at or above NYS minimum wage (or federal minimum wage if applicable). The vendor can bill for this service after the customer receives their first paycheck and the vendor submits to the ACCES-VR District Office for review and approval a copy of a pay stub and all monthly reporting documenting the services that the vendor provided to the customer. In the event that the customer loses their job and both the customer and ACCES-VR agree that additional placement services are necessary, this service may be repeated.

**Deliverables and Payment Process:** Vendor must submit an ACCES-VR Job Placement Report, all monthly reports leading up to the start of employment and a copy of a paystub at the start of employment indicating an hourly rate at or above NYS minimum wage (or federal minimum wage if applicable) within thirty (30) business days of the service being provided. The vendor's payment will be processed following approval of the report and supporting documentation by ACCES-VR.

**Payment Rate and Authorization:** This service is a flat fee at a rate of:

- Statewide - \$1,136.35
- Deaf and Blind Service Rate Statewide - \$2,106.42

**Established Performance Indicators:**

- At least 90% of reports rated superior/satisfactory
- At least 75% of customers receiving placement services will be successfully employed

**JOB RETENTION SERVICES (932X), JOB RETENTION DEAF AND BLIND SERVICES (937X):**  
*Unit of service is a completed ACCES-VR Job Retention Report and supporting documentation including copy of pay stub.*

This service provides on-going contact with the customer and, where it is not contraindicated, the employer, to ensure successful retention of the customer's employment during the initial 90 days of employment. This service will assist the customer to learn the essential functions of the job and meet employer productivity expectations. ACCES-VR expects on-going contact with the customer and, where it is not contraindicated, the employer, to ensure successful retention of the customer's new position.

**Deliverables and Payment Process:** Vendor must submit an ACCES-VR Job Retention Report, all data necessary to document a successful employment outcome, and a copy of a paystub indicating weekly hours and hourly rate at or above NYS minimum wage (or federal minimum wage if applicable), within thirty (30) business days of the customer maintaining 90 days of stable employment. The vendor's payment will be processed following approval of the report and supporting documentation by ACCES-VR.

**Payment Rate and Authorization:** This is a flat fee at the rate of:

- Statewide - \$1,136.35
- Deaf and Blind Service Rate Statewide - \$2,106.42

**Established Performance Indicators:**

- At least 90% of reports rated superior/satisfactory
- At least 75% of customers receiving Job Retention services will be successfully employed

## QUALITY OUTCOME ENHANCEMENT

**QUALITY WAGE INCENTIVE FOR VENDOR (933X):**

*Unit of service is a completed ACCES-VR Quality Wage Incentive Report and supporting documentation including copy of paystub.*

This service provides an incentive to vendors based upon the hourly rate of pay worked by the customer for the last four weeks prior to achieving a successful employment outcome. The vendor can claim this payment if the customer is earning above the New York State minimum wage (or federal minimum wage if applicable) for the final four weeks prior to the completion of the 90-day period.

**The earnings level (hourly wage required to achieve the quality wage incentive) will be adjusted based on increases in the NYS minimum wage occurring during the contract period.**

**Deliverables and Payment Process:** The vendor must submit an ACCES-VR Quality Wage Incentive for Vendor report to ACCES-VR with original or duplicate pay stubs or employer certification of hours and wages for the final four-week period, within thirty (30) business days of providing the service. The vendor's payment will be processed following approval of the report and supporting documentation by ACCES-VR.

**Payment Rate:** Payment is a flat fee at the rate of:

- Statewide - \$609.76

**Established Performance Indicators:**

- At least 90% of reports rated superior/satisfactory

## Supported Employment Services

### Applicants Must Apply to Provide ALL Services in Supported Employment Services and Must Complete Section 1-F in the Online Application

#### Definition:

Supported Employment is paid competitive, integrated employment with ongoing support for customers with the most significant disabilities (i.e., serious mental illness, intellectual and developmental disabilities, significant learning disabilities, acquired brain injury, deafness and blindness, extreme mobility impairments, and other most significant disabilities). A customer with a most significant disability is someone who has three (3) or more functional limitations requiring multiple ACCES-VR services and the customer will require these services for an extended period of time. The need for on-going support services may include customized employment (see above Employment Customization) to obtain, perform, and retain employment. Supported Employment includes services that provide assistance to the individual such as job coaching, assistance in interacting with employers, on-site assistive technology training, specialized job training, and individually tailored supervision.

**Note:** Supported Employment services may be provided to both youth (individuals who have not reached their 25<sup>th</sup> birthday) and adults (individuals age 25 and older).

Supported Employment enables customers with the most significant disabilities that may impede their ability to be engaged in competitive, integrated employment. Through the provision of on-going support services, such as Supported Employment, people with the most significant disabilities increase their rates for both employment and employment retention in competitive, integrated settings.

Successful Supported Employment includes the customer reaching stabilization on their job. Stabilization is individualized and varies from individual to individual. Stabilization is identified when the customer, employer (when the customer has disclosed disability information), the vendor, and the ACCES-VR counselor agree that the customer is able to perform the essential functions of the job (with or without reasonable accommodations), that natural supports as needed in and outside of the job have been developed, and the customer has sustained their lowest level of supports required to maintain current employment. Stabilization is evidenced within the ACCES-VR Stabilization report completed by the vendor.

Applicants interested in providing Supported Employment Services and who are serving customers with intellectual &/or mental health disabilities must:

- Have in place **a current Supported Employment extended services funding agreement or equivalent** (i.e., OMH Personalized Recovery Oriented Services (PROS) or HCBS Medicaid Waiver) with one or more of the following agencies:
  - New York State Office for People with Developmental Disabilities (OPWDD), or
  - New York State Office of Mental Health (OMH) ***PROS Programs should provide a copy of their operating certificate. OISE providers should provide a copy of their award letter or contract with OMH or the County.***
  - ACCES-VR **AND**
- Have one (1) year of experience providing Supported Employment services to individuals with the most significant disabilities.

**Note: Applicants are strongly encouraged to submit with their application documentation of current agreement(s) with OPWDD and/or OMH to provide Supported Employment Extended Services and must submit such documentation prior to start of services.**

**Note:**

- Due to the complex nature of Supported Employment services, ACCES-VR will not contract for this service with individual placement vendors.
- ACCES-VR requires Supported Employment vendors to complete continuing education opportunities, made available by ACCES-VR at no cost, and be in compliance with the requirements outlined below under the Staffing Requirements section.

**Services:**

**SUPPORTED EMPLOYMENT INTAKE (571X):**

***Unit of service is one (1) intake***

This service is designed to permit the customer and the vendor to determine if there is an adequate match in the following areas: the employment goal as documented on the Individualized Plan for Employment (IPE), job search methodologies, the choice of supported employment as a placement approach, and mutual expectations. Supported Employment Intake may also:

- Be utilized as an assessment of appropriateness of Supported Employment services as an option for the customer or
- As a pre-screening for potential job placement in the customer's identified employment goal as documented on the IPE.

**Note:** During the provision of this service the vendor must review the identified extended funding source on the IPE and either:

- Verify and provide documentation of the customer's eligibility determination to receive Supported Employment Extended services from that funding source, or
- Initiate or facilitate the initiation of an application for eligibility to the supported employment extended funding source as identified on the IPE (OPWDD/OMH).

This service **cannot** be authorized if the ACCES-VR customer has received Supported Employment services from the vendor within the last twelve (12) months.

**Deliverables and Payment Process:** Vendor must submit an ACCES-VR Supported Employment intake report within ten (10) business days of completion of services. The report must indicate whether supported employment services are recommended to continue and include verification of Supported Employment Extended Services funding as identified on the IPE, or documentation of the initiation/facilitation of the eligibility determination process. The vendor's payment will be processed following approval of the report and supporting documentation by ACCES-VR

**Payment Rate:** Payment for this service is a flat fee at the rate of:

- Statewide - \$194.01

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports rated superior/satisfactory

**SUPPORTED EMPLOYMENT PRE-EMPLOYMENT ASSESSMENT/JOB DEVELOPMENT SERVICE (572X):**

***Unit of service is a completed ACCES-VR Supported Employment Pre-Employment Assessment/Job Development Services report and supporting documentation.***

This service is designed to equip the customer with the necessary skills to participate, to the greatest degree possible, with the job search process. The job development service may include, but is not limited to, the following activities: workplace behavior skills training, job application training, job seeking skills training, situational assessment, interviewing skills training, and/or job retention skills training. This service also includes simultaneously providing the ACCES-VR counselor with an up-to-date Individualized Intensive Service Plan for the customer **and** performing individual job development activities such as following up on job leads through both direct and indirect contact with employers. These activities must be conducted by the vendor for a minimum of five (5) hours monthly. Vendors must have **direct** engagement (e.g., in-person, telephone, live-remote). Email/text communications are not acceptable as the sole form of communication with the customer or for job development with potential employers. In the event that the customer loses their job and both the customer and ACCES-VR counselor agree additional services are necessary, this service may be repeated.

**Deliverables and Payment Process:** Vendor must submit an ACCES-VR Supported Employment Pre-Employment Assessment/Job Development Services report which details at least five (5) hours of job development, a detailed Intensive Service Plan (evidence of job development activities such as workplace behavior skills training, job application training, job seeking skills training, situational assessment, interviewing skills training, and/or job retention skills training must be included in the plan), and a resume, within ten (10) business days of completion of services. The vendor's payment will be processed following approval of the report and additional information by ACCES-VR.

**Note:** Vendors must continue to submit a monthly report describing the services provided until employment is obtained and stabilization is achieved.

**Payment Rate:** Payment for this service is a flat fee that is paid at the completion of service, not monthly, at the rate of:

- Region 1: \$2,494.45
- Regions 2 & 3: \$1,940.13

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 65% of customers receiving Supported Employment Pre-employment Assessment/Job Development Services (572X) will be successfully employed

**SUPPORTED EMPLOYMENT INTENSIVE SERVICES JOB PLACEMENT FOR ADULTS (573X), SUPPORTED EMPLOYMENT INTENSIVE SERVICES JOB PLACEMENT FOR YOUTH UNDER AGE 25 (1573X):**

***Unit of service is a completed ACCES-VR Supported Employment Intensive Services Job Placement report and supporting documentation including copy of paystub.***

This is an outcome-based service that is paid when an ACCES-VR customer starts working on a paid, competitive, integrated job that meets the customer's employment goal as identified on the

Individualized Plan for Employment (IPE) and is being paid at or above NYS minimum wage (or federal minimum wage if applicable). The vendor can bill for this service after the customer receives their first paycheck and the vendor submits a copy of the pay stub to the ACCES-VR District Office for approval; ACCES-VR Supported Employment Intensive Services Job Placement Report and all monthly reporting documenting the services that the vendor provided to the customer. In the event that the customer loses their job and both the customer and ACCES-VR counselor agree additional services are necessary, this service may be repeated.

**Deliverables and Payment Process:** Vendor must submit an ACCES-VR Supported Employment Intensive Services Job Placement Report, all monthly reports leading up to the start of employment and a copy of a paystub indicating an hourly rate at or above NYS minimum wage (or federal minimum wage if applicable), within thirty (30) business days of completion of services. The vendor's payment will be processed following approval of the report by ACCES-VR.

**Payment Rate:** Payment for this service is a flat fee at the rate of:

**Adult (573X) and Youth (1573X)**

- Region 1: \$1,690.67
- Region 2 & 3: \$1,496.67

**Established Performance Indicators:**

- At least 90% of reports rated superior/satisfactory
- At least 65% of customers receiving Supported Employment Job Development Services (572X) will be successfully employed

**SUPPORTED EMPLOYMENT STABILIZATION FOR ADULTS (574X), SUPPORTED EMPLOYMENT STABILIZATION FOR YOUTH UNDER AGE 25 (1574X):**

***Unit of service is a completed ACCES-VR Supported Employment Stabilization Report and supporting documentation including copy of paystub.***

This is an outcome-based service that is paid when an ACCES-VR customer is working in a job that meets their employment goal as documented on the Individualized Plan for Employment (IPE) and stabilization has been achieved. Stabilization is identified when the customer, employer (when the customer has disclosed disability information), the vendor, and the ACCES-VR counselor agree that the customer is able to perform the essential functions of the job (with or without reasonable accommodations), that natural supports as needed in and outside of the job have been developed, and the customer has sustained their lowest level of supports required to maintain current employment.

The vendor must hold a stabilization meeting with the customer and the employer (when the customer has disclosed disability information) to verify that the customer is satisfied with the job, able to perform the essential functions of the job (with or without reasonable accommodations), and if needed, has developed natural supports in and outside of the job. The outcome of this meeting must be documented on the ACCES-VR Supported Employment Stabilization Report. In the event that the customer loses their job and both the customer and ACCES-VR counselor agree additional services are necessary, this service may be repeated.

Stabilization is evidenced by completion of both a stabilization meeting and the vendor submitting the ACCES-VR Supported Employment Stabilization Report that is **approved** by the ACCES-VR



counselor. **Note: Stabilization is not driven or decided solely by the vendor. Stabilization requires the agreement of the customer, employer (when the customer has disclosed), the vendor, and the ACCES-VR counselor. For stabilization to be achieved, all aforementioned parties must sign and date the ACCES-VR Employment Stabilization Report. The ACCES-VR counselor will be the last person to sign the report and the stabilization date will be the date the ACCES-VR counselor signs the report.**

For this service, vendors are also responsible for obtaining in writing the eligibility determination of the Supported Employment Extended funding source, as identified on the Individualized Plan for Employment (IPE), or documentation showing the current status of the eligibility application **and** the vendor's plan for completion/facilitation of this process and providing this documentation to ACCES-VR. **Note:** Documentation verifying that Supported Employment Extended funding was denied or is under review by OPWDD and/or OMH must be provided by the vendor to ACCES-VR staff.

Note: The date of stabilization marks the end of Supported Employment Intensive Services and the start of Supported Employment Extended Services. **ACCES-VR Supported Employment Extended services will be utilized for ALL customers during the first 90 days of employment post stabilization with ACCES-VR approval.** Once 90 days of successful employment post stabilization has been achieved vendors are expected to utilize the appropriate supported employment extended funding source.

**Deliverables and Payment Process:** Vendor must submit an ACCES-VR Supported Employment Stabilization Report, and a copy of the paystub at time of stabilization indicating an hourly rate at or above NYS minimum wage (or federal minimum wage if applicable), within thirty (30) business days of completion of the services.

Report and supporting documentation must include the following:

- The completion of the stabilization meeting, **AND**
- Submission of the ACCES-VR Stabilization Report, including all data necessary to document a successful employment outcome, **AND**
- Submission of eligibility determination for Supported Employment Extended Funding Source as identified on the IPE **or** documentation showing the current status of the eligibility application **and** the vendor's plan for completion/facilitation of this process.

The vendor's payment will be processed following approval of the report and supporting documentation by ACCES-VR.

**Payment Rate:** Payment for this service is a flat fee at the rate of:

**Adult (574X) and Youth (1574X)**

- Region 1: \$1,690.67
- Regions 2 & 3: \$1,524.38

**Established Performance Indicators:**

- At least 90% of reports rated superior/satisfactory
- At least 65% of customers receiving Supported Employment Stabilization Services will be successfully employed
- Based upon the stabilization meeting, accurately completed Supported Employment Stabilization Report
- Eligibility for Supported Employment Extended Services fully completed and documented

**SUPPORTED EMPLOYMENT JOB RETENTION FOR ADULTS (575X),  
SUPPORTED EMPLOYMENT JOB RETENTION FOR YOUTH UNDER AGE 25 (1575X):  
*Unit of service a completed ACCES-VR Supported Employment Job Retention Report  
and supporting documentation including copy of paystub.***

This is an outcome-based service that provides a milestone payment to the vendor when the customer has achieved a minimum of 90 days of employment post stabilization. Vendor must continue to have on-going contact with the customer and, where it is not contraindicated, the employer and provide ACCES-VR verification of the supported employment extended funding source and the documentation needed by ACCES-VR to record a successful employment outcome for customer.

**Deliverables and Payment Process:** Vendor must submit an ACCES-VR Supported Employment Job Retention (Post Stabilization) Report, and a copy of a paystub indicating weekly hours and hourly rate at or above NYS minimum wage (or federal minimum wage if applicable), within thirty (30) business days of the customer maintaining 90 days of stable employment.

Report and supporting documentation must include the following:

- Eligibility determination for Supported Employment Extended Funding Source as identified on the IPE **or** documentation showing the current status of the eligibility application **and** the vendor's plan for completion/facilitation of this process, **AND**
- All data necessary to document a successful employment outcome.

The vendor's payment will be processed following approval of the report and supporting documentation by ACCES-VR.

**Payment Rate:** Payment for this service is a flat fee at the rate of:

**Adult (575X) and Youth (1575X)**

- Region 1: \$2,799.31
- Regions 2 & 3: \$2,605.31

**Established Performance Indicators:**

- Eligibility for Supported Employment Extended Services fully completed, and documented
- At least 90% of reports rated superior/satisfactory
- At least 65% of customers receiving Supported Employment Job Retention Services will be successfully employed

**SUPPORTED EMPLOYMENT JOB RETENTION HOURS PER WEEK (576X):**

***Unit of service is a completed Supported Employment Job Retention Hours Per Week report and supporting documentation including copy of paystub.***

This service provides an incentive to the vendors based upon the average number of hours worked by the customer for the last four (4) weeks prior to completion of 90 days post stabilization. The vendor may request approval for this payment if the customer is working at least an average of **22 hours per week** for the final four (4) weeks prior to the completion of the 90-day period.

**Deliverables and Payment Process:** Vendor must submit an ACCES-VR Supported Employment Job Retention Hours Per Week report to ACCES-VR, with original or duplicate pay stubs or employer certification of weekly hours (at least an average of 22 hours a week) and wages for the final four-week

period, within thirty (30) business days of providing the services. The vendor's payment will be processed following approval of the report and supporting documentation by ACCES-VR.

**Payment Rate:** Payment for this service is a flat fee rate of:

- Statewide - \$665.18

**Established Performance Indicators:**

- At least 90% of reports rated superior/satisfactory

**SUPPORTED EMPLOYMENT QUALITY WAGE INCENTIVE FOR VENDOR (577X):**

***Unit of service is a completed Supported Employment Quality Wage Incentive and supporting documentation including copy of paystub.***

This service provides an incentive to vendors based upon the hourly rate of pay worked by the customer for the last four (4) weeks prior to completion of 90 days post stabilization. The vendor may request approval for this payment if the customer is earning above the New York State minimum wage for the final four (4) weeks prior to the completion of the 90-day period.

**The earnings level (hourly wage required to achieve the quality wage incentive) will be adjusted based on increases in the NYS minimum wage occurring during the contract period.**

**Deliverables and Payment Process:** Vendor must submit an ACCES-VR Supported Employment Quality Wage Incentive for Vendor report to ACCES-VR, with original or duplicate pay stubs or employer certification of hours and wages for the final four-week period, within thirty (30) business days of providing the services. The vendor's payment will be processed following approval of the report and supporting documentation by ACCES-VR.

**Payment Rate:** Payment for this service is a flat fee at the rate of:

- Statewide - \$609.76

**Established Performance Indicators:**

- At least 90% of reports rated superior/satisfactory

**SUPPORTED EMPLOYMENT EXTENDED SERVICES FOR ADULTS (578X):**

***Unit of service is monthly with a minimum of two (2) monthly contacts***

This service provides the ongoing support needed to maintain a customer with a most significant disability in their job. Supported Employment Extended services are provided by the vendor to assist the customer in maintaining employment once Supported Employment Intensive Services have led to the stabilization of the individual on the job.

Note: The date of stabilization marks the end of Supported Employment Intensive Services and the start of Supported Employment Extended Services. ACCES-VR Supported Employment Extended services will be utilized for ALL customers during the first 90 days of employment post stabilization with ACCES-VR approval. Once 90 days of successful employment post stabilization has been achieved, vendors are expected to utilize the appropriate supported employment extended source.

After the initial 90 days of employment post stabilization, ACCES-VR funded Supported Employment Extended services are reserved for customers that are either awaiting notification of their eligibility for other sources of Supported Employment Extended Services funding as identified on their Individualized Plan for Employment (IPE) (i.e., OPWDD, OMH) or for customers that require Supported Employment Extended services but are not eligible for other sources of extended funding. Vendors are required to assist ACCES-VR customers in securing other sources of Supported Employment Extended funding as identified on the customer's IPE. Vendors are also required to provide a denial letter from the Supported Employment Extended Services funding source identified on the IPE to continue to utilize the ACCES-VR funded Supported Employment Extended services instead of the funding source identified on the IPE.

A unit of service is defined as a minimum of two monthly contacts at the work site or off-site monitoring, as appropriate. Off-site monitoring must include a minimum of two meetings with the customer and a minimum of one employer contact per month unless the customer requests otherwise.

**Note:** When intermittent funding of Supported Employment Extended services is utilized, the Supported Employment Extended services vendor must document how natural supports will replace the vendor's contacts.

Examples of Supported Employment Extended services are:

- Periodic observation of work performance in relation to the areas where Supported Employment Intensive services were provided and employer goals to determine the needs for continuing or different intervention
- Assurance to the customer that help is available if a problem arises and how to access that help from the vendor of Supported Employment Extended services
- Responses to changes in the customer's job or in the customer's living situation as they may interfere with continued successful employment
- Placement in another job when minimal intervention is required

### **SUPPORTED EMPLOYMENT EXTENDED SERVICES FOR YOUTH UNDER AGE 25 (582X):**

***Unit of service is monthly with a minimum of two (2) monthly contacts***

Similar to Supported Employment Extended Services for Adults, this service provides the ongoing support needed to maintain a youth (under the age of 25) with a most significant disability in their job. Supported Employment Extended services are provided by the vendor to assist the youth in maintaining employment once Supported Employment Intensive Services have led to the stabilization of the youth on the job.

Supported Employment Extended Services for Youth are provided for up to a maximum of forty-eight (48) months or until the youth reaches the age of 25, whichever occurs first. Upon completion of the 48 months of service, or when the customer turns 25, that customer may transition to Supported Employment Extended Services for Adults provided by other funding sources such as OPWDD or OMH, if needed. **Note:** Documentation verifying that Supported Employment Extended Services funding was denied by OPWDD and/or OMH, or documentation showing the current status of the eligibility application **and** the vendor's plan for completion/facilitation of this process, must be provided by the vendor to the ACCES-VR counselor to determine if ACCES-VR Supported Employment Services Extended funding may be considered after the initial 90 days of employment post stabilization.

A unit of service is defined as a minimum of two monthly contacts at the work site or off-site monitoring, as appropriate. Off-site monitoring must include a minimum of two meetings with the customer and a minimum of one employer contact per month unless the customer requests otherwise.

**Deliverables and Payment Process:** The vendor must submit an ACCES-VR Supported Employment Extended Services report to ACCES-VR within ten (10) business days of providing the monthly service. The vendor's payment will be processed following approval of the report and supporting documentation by ACCES-VR.

**Payment Rate:** Payment for this service is a flat fee at the rate of:

**Adult (578X) and Youth (582X)**

- Statewide - \$243.90 per month, with a minimum intervention of two monthly contacts.

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days
  - At least 90% of reports rated superior/satisfactory

## Assistive Technology/Rehabilitation Technology Services

### Applicants Must Complete Section 1-G in the Online Application To Apply To Provide Any of These Services

#### Definition:

Assistive/rehabilitation technology devices are an item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of individuals with disabilities. These services directly help an individual with a disability select, acquire, or use an assistive/rehabilitation technology device. These services may include:

- Assessing the needs of an individual with a disability, including how the individual functions in his/her environment or the environment where the device will be used, such as the home or worksite.
- Making recommendations regarding purchasing of assistive/rehabilitation technology devices.
- Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive/rehabilitation technology devices.
- Training or technical assistance regarding assistive/rehabilitation technology provided to the individual with a disability, and, where appropriate, for others who play a major role in the individual's life such as family members, employers, or professionals or other individuals who are providing services such as education and rehabilitation to the individual.

**NOTE:** These services **do not** include evaluations for vehicle use and/or vehicle modifications.

#### **ASSISTIVE TECHNOLOGY/REHABILITATION TECHNOLOGY EVALUATION (165X):**

***Unit of Service is one (1) hour up to maximum of twenty (20) hours per authorization.***

#### Definition:

This evaluation is used to determine the need for assistive/rehabilitation technology services to mitigate the impact of the customer's functional limitations, to enhance the capacity to participate in vocational rehabilitation services, and to achieve the employment outcome as identified on the Individualized Plan for Employment (IPE).

#### Services:

This service includes all evaluations that may be used to determine the practicality and effectiveness of using assistive/rehabilitation technology, and the identification of any needed assistive/rehabilitation technology device(s) and/or related service(s). The evaluation provides recommendations for the types of assistive/rehabilitation technology, specifications, the advantages of identified options, and the cost/benefits of those options. Assistive/rehabilitation technology evaluations clearly describe how the device(s) and/or service(s) will address the customers' functional limitations in terms of participation in training and/or other services needed for the customer to meet their employment outcomes.

**Deliverables and Payment Process:** Upon completion of the service, the vendor must submit the ACCES-VR Assistive Technology/Rehabilitation Technology Evaluation report to ACCES-VR within ten (10) business days. The vendor must offer the ACCES-VR counselor the option of attending a conference at the conclusion of the evaluation. This service is processed for payment based on completion and submission of a completed evaluation report and approval by ACCES-VR.

**Payment Rate and Authorization (165X):** Payment for this service is per hour at a rate of:

- Statewide - \$95.35

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports rated superior/satisfactory

**ASSISTIVE TECHNOLOGY/REHABILITATION TECHNOLOGY TRAINING (167X):**

*Unit of service is one (1) hour up to a maximum of twenty (20) hours per authorization.*

**Note:** Additional hours may be considered at the discretion of the ACCES-VR counselor.

**Definition:**

This is training that provides instruction to a customer on how to use an assistive technology/rehabilitation technology device(s) and/or service(s). Upon completion of the training, the customer will be able to effectively utilize the device(s) and/or service(s) to achieve their employment goal as identified on the Individualized Plan for Employment (IPE).

**Services:**

Training must be completed with the appropriate assistive/rehabilitation technology device(s) and/or service(s), based on the Assistive Technology/Rehabilitation Technology Evaluation report, completed by qualified vendor staff, and matched to the customer's needs. The training should develop full user competency with the respective device(s) and/or service(s).

**Deliverables and Payment Process:** Upon completion of the service, the vendor must submit the ACCES-VR Assistive Technology/Rehabilitation Technology Training report to ACCES-VR within ten (10) business days. This service is processed for payment based on completion and submission of a completed evaluation report and approval by ACCES-VR.

**Payment Rate and Authorization:** Payment for this service is per hour at a rate of:

- Statewide - \$95.35

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports received rated superior/satisfactory

## Driver Rehabilitation Services

### Applicants Must Complete Section 1-H in the Online Application To Apply To Provide Any of These Services

#### Definition:

Driver rehabilitation services include all activities that are necessary for:

- The identification of specific vehicle modification required to enable an individual to safely operate a vehicle, and
- The evaluation and training required for the individual to safely operate their modified vehicle.

These services may include direct hands-on delivery of a clinical pre-driving evaluation and/or in-vehicle evaluations and/or training with ACCES-VR customers. They may also include information for an individual to safely be transported as a passenger in a vehicle modified for that purpose. Driver evaluation and training services may be provided to eligible individuals with disability-related transportation barriers to achieving their employment outcome.

#### Services:

##### **ADAPTIVE DRIVER EVALUATION**

Adaptive Driver Evaluation is an interdisciplinary assessment of an individual's abilities and/or potential to become a safe independent driver and identification of any vehicle modification requirements. The driver evaluation is the preparatory phase for all other services within the field of driver rehabilitation and is essential to assess whether an individual has the potential to drive a vehicle safely, evaluate the individual's training needs, and determine if there is a need for vehicle modifications, adaptive equipment, or automotive equipment. The adaptive driver evaluation is used to assess an individual's ability to enter and exit a vehicle safely and the potential to drive safely. The adaptive driver evaluation is used to determine if adaptive equipment or vehicle modifications are necessary, and the appropriate vehicle and factory equipment the individual must include when shopping for a vehicle.

##### **ADAPTIVE DRIVER EVALUATION – LOW TECH FOR CAR OR VAN (133X):**

***Unit of service is one (1) hour up to a maximum of ten (10) hours***

The Adaptive Driver Evaluation is low tech when the customer requires the following adaptive equipment to safely operate a motor vehicle:

- Raised tops and/or doors
- Mechanical hand controls and steering devices
- Six-way power transfer seats
- Car top carriers
- Wheelchair lifters/loader
- Other, similar items may be included in this category.

##### **ADAPTIVE DRIVER EVALUATION – HIGH TECH FOR CAR OR VAN (134X):**

***Unit of service is one (1) hour up to a maximum of ten (10) hours***

The Adaptive Driver Evaluation is high tech when the customer requires the following high level driving systems to safely operate a motor vehicle:



- Remote steering packages
- Lowered floor conversions
- Foot steering
- Low-effort conversions
- Horizontal steering
- Braking and throttle servo controls
- Other, similar systems may be included in this category.

**Deliverables and Payment Process:** Upon completion of the service, the vendor must submit an ACCES-VR Adaptive Driver Evaluation report to ACCES-VR within ten (10) business days. The vendor must offer the ACCES-VR counselor and the customer the option of attending a conference at conclusion of the service. This service is processed for payment based on submission of a completed Adaptive Driver Evaluation report approved by ACCES-VR.

**Adaptive Driver Evaluation Report must include:**

- Medical Status History – diagnosis, past medical history, medications, loss of consciousness, functional deficits
- Vision and Hearing – distance acuity, visual field, night vision, color discrimination, scanning, conversational speech, hearing aids
- Cognition and Learning – attention/concentration, auditory memory, visual memory, sequencing, behavior, judgment, multiple task processing
- Strength and Range of Motion and wheelchair seating pertaining to the functional skills necessary to safely operate a motor vehicle
- Licensure Status – expiration date, license class, restrictions and driving history
- Knowledge and Driving Performance – traffic sign and road marking, general traffic rules, pre-driving, traffic environments (controlled, residential, multi-lane, urban, expressway)
- Summary of clinical and driving evaluation, adaptive driving aids used (if applicable), findings/recommendation from the Vehicle Consultant.
- Vehicle Adaptive Equipment Recommendation
  - Identifies adaptive aids/devices and modifications and the vehicle types that can accommodate the modifications. Vehicle modifications are designed to facilitate community-based employment related activities.
  - Type of vehicle(s) that will accommodate the adaptive equipment or modification being recommended.
- If the individual cannot drive a vehicle, the report should include information on what the needs are for the person to be safely transported in a private motor vehicle.

**Payment Rate and Authorization:** Payment for this service is per hour at a rate of:

**Low Tech Evaluation (133X):**

- Statewide - \$230.29

**High Tech Evaluation (134X):**

- Statewide - \$430.15

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports rated superior/satisfactory

**ADAPTIVE DRIVER TRAINING**

Adaptive Driver Training is a process to instruct (including classroom and on the road driving) an individual on how to safely drive a vehicle for the individual to be able to obtain or retain a driver's license. This service includes driving instruction to a customer on how to operate a vehicle safely, including the utilization of adaptive equipment and addressing disability-related limitations. The intended outcome is the individual will be able to obtain or retain a driver's license necessary to achieve the employment goal. Training must be provided on a vehicle with appropriate equipment matched to the customer's needs. The training must develop "behind the wheel" competency in a full range of roadway environments to prepare the individual for obtaining or retaining a driver's license. The training is based on the Adaptive Driver Evaluation report of a Driver Rehabilitation Specialist.

These services are for the provision of driver training that specifically focuses on disability-related barriers to driving. Only customers requiring vehicle modifications, specialized driver training and/or adaptive equipment because of their disability should be referred for this type of driver training.

**ADAPTIVE DRIVER TRAINING – LOW TECH FOR CAR OR VAN (880X), ADAPTIVE DRIVER TRAINING – HIGH TECH FOR CAR OR VAN (881X):**

***Unit of service is one (1) hour up to a maximum of twenty (20) hours per authorization***

**Deliverables and Payment Process:** Upon completion of the service, the vendor must submit an ACCES-VR Adaptive Driver Training report to ACCES-VR within ten (10) business days. This service is processed for payment based on submission of a completed Adaptive Drive Training report approved by ACCES-VR.

**Payment Rate and Authorization:** Payment for this service is per hour at the rate of:

**Low Tech Training (880X):**

- Statewide - \$109.76

**High Tech Training (881X):**

- Statewide - \$336.92

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days
- At least 90% of reports rated superior/satisfactory

**Driver Training Programs:**

The applicant must maintain current licensing or certification, if required, to have NYS DMV license for a driver training school and/or have NYSED approval for a driver education program. If licensing or NYSED approval is not required, documentation should be provided to support this.

**Driver Training Program Adapted Equipment:**

Driver Training programs must identify the type of adapted vehicle(s) they use for evaluation and training and provide the schedule for software and equipment updates.

## Adjunct Services

### Applicants Must Complete Section 1-I in the Online Application To Apply To Provide Any of These Services

#### Definition:

Adjunct services are activities which supplement the delivery of vocational rehabilitation services by providing the additional services/supports which the customer requires for successful IPE goal achievement.

#### Services:

#### **VENDOR TRAVEL FOR PROVISION OF CRS SERVICES (142X):**

*Unit of service is one (1) mile*

This is a service authorized only when it is necessary for a vendor to travel over 35 miles each way to provide services to a specific customer. Through discussion with the referring ACCES-VR counselor, it must be established that travel is necessary. Only the miles over 35 miles each way are eligible for travel reimbursement.

**Deliverables and Payment process:** Upon completion of the service, the vendor must submit an ACCES-VR Vendor Travel report to ACCES-VR within ten (10) business days. Documentation of the actual mileage and estimated travel time obtained from MapQuest, Google Maps or other valid source must be provided. This service will only be authorized in tandem with other CRS services. The corresponding service deliverable must be submitted to confirm the travel deliverable. This service is processed for payment based on submission of a completed Vendor Travel report and supporting documentation approved by ACCES-VR.

**Payment Rate and Authorization:** Payment for this service is at the Privately Owned Vehicle (POV) Mileage Reimbursement Rates of the U.S. General Services Administration effective at the time of authorization when the trip is over 35 miles each way.

#### **COACHING SUPPORTS (Not Job Placement Related)**

**Note:** This service is not intended to replace those currently provided by Support Aides who assist customers needing medically related or attendant care interventions (personal assistance services), or tutoring services for college training.

#### **COACHING SUPPORTS FOR POST-SECONDARY EDUCATION, INTERNSHIP, OR OTHER ACTIVITIES IN PURSUIT OF EMPLOYMENT GOALS (790X)**

*Unit of service is one (1) hour*

This service includes interventions used during the vocational rehabilitation services (excluding Job Placement services) once an IPE is developed. It is designed to enable customers who are not eligible/appropriate for Supported Employment services to receive one-to-one, individualized assistance for a limited duration, necessary for the individual's successful participation in the VR process.

For example, Coaching Support includes:

- Individualized coaching necessary to allow the customer to successfully participate in a college or post-secondary training program
- Coaching to obtain or to maintain an internship
- Providing other interventions determined appropriate in support of IPE goals
- Assisting the individual with collection of financial and education/training documentation to be submitted to ACCES-VR

**Deliverables and Payment Process:** Vendor must prepare and submit the ACCES-VR Coaching Supports for Post-Secondary Education, Internship or Other Activities in pursuit of Employment Goals report within ten (10) business days of the end of the month in which the service was provided OR at intervals identified by ACCES-VR OR at the request of ACCES-VR. The Report must outline the services delivered and customer progress to date and recommend next steps in reaching the outcome identified by the referring ACCES-VR counselor.

**Payment Rate and Authorization:** Payment for this service is per hour with the ACCES-VR counselor determining number of hours appropriate for the desired intervention at a rate of:

- Statewide - \$66.51

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days.
- At least 90% of reports rated superior/satisfactory

## **COACHING AND COMMUNICATION SUPPORTS FOR POST-SECONDARY EDUCATION AND EMPLOYMENT (792X):**

***Unit of service is one (1) hour***

Coaching and Communication Supports is an adjunct service for individuals whose functional impact of disability requires assistance with communication, including, but not limited to, individuals on the Autism Spectrum. This service includes weekly, and as needed, individualized supports in the form of a Communication Support Specialist for customers in postsecondary education or engaged in competitive employment. Coaching and Communication Supports may also assist students for whom post-secondary education has been interrupted, intermittent or previously non-existent as a result of limitations imposed by their disability. The goal is for independent communication skills to be actively learned from the Communication Support Specialist for competence to be achieved for gaining and sustaining meaningful employment outcomes. The Communication Support Specialist will support individuals with:

- **Global Supports:**
  - **Social Communication** – establishing safe and meaningful relationships with peers and mentors; informing person of rights and empowering self-advocacy; developing techniques to compensate for inflexible thinking, slower working memory, and impulse control
  - **Emotional Regulation** – developing techniques to maintain a well-regulated emotional state when customer is at work or school.

- **Communication Advocacy** – ongoing communication with ACCES-VR counselor; outlining the reasonable accommodations required for a communications disorder; disclosing a disability at work and school.
- **Communication Support at Post-Secondary Site:**
  - Support person-centered coping strategies, problem solving skills, stress management, and individual social awareness and recognition for steps toward action.
  - Coordinating pre-semester campus orientations, registration, residential setting facilitation, etc.
  - Understanding hidden curriculum and agendas, instructor temperaments, department hierarchies and organizational structure.
- **Communication Support at Employment Site:**
  - Support person-centered coping strategies, problem solving skills, stress management, and individual social awareness and recognition for steps toward action.
  - Coordinating pre-job site orientation, a review of human resources and associated forms, lunch, and break time options, etc.
  - Understanding implicit versus explicit rules of the workplace; Support perspective-taking when speaking with colleagues and customers, use of small-talk and conventional gestures, taking turns in a conversation, and monitoring language during times of stress.

**The vendor must submit a list of supports they are qualified to provide to the ACCES-VR district office for approval.**

**Deliverables and Payment Process:** Vendor must submit progress/activity reports outlining the services delivered, customer progress to date, and recommended next steps in reaching the outcome identified by the referring ACCES-VR counselor, within ten (10) business days of the end of the month in which the service was provided OR at the intervals identified by ACCES-VR OR at the request of ACCES-VR.

**Payment Rate and Authorization:** Payment for this service is per hour with the ACCES-VR counselor determining number of hours appropriate for the desired outcome at a rate of:

- Statewide - \$88.69

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days.
- At least 90% of reports rated superior/satisfactory

**MOBILITY TRAINING**

**Note: This service is not intended to address the specialized needs of individuals who are legally blind, who receive this service via New York State Commission for the Blind (NYCB).**

**This service is not available to customers receiving Coaching Supports For Employment (959X) or Supported Employment services.**

**Definition:**

This service is instruction in skills which will assist the customer to travel safely and successfully, negotiate environments in educational/training activities, and/or to obtain and maintain employment.

**Services:** Vendor provides one-to-one in person mobility services with referred ACCES-VR customers to enable them to travel independently with competence and confidence.

### **MOBILITY SERVICES (Case Service Code Plus Suffix “M”)**

***Unit of service is one (1) hour***

Working with customer and referral information from the ACCES-VR counselor, the vendor identifies the locations and modes of transportation necessary for the customer to be able to access services or employment necessary to achieve IPE goals. Individualized instruction is provided for the customer to be able to independently reach the identified destinations.

**Deliverables and Payment Process:** Following the conclusion of services, vendor must submit a complete and approved ACCES-VR Mobility Services report which verifies that the customer has achieved independent travel between identified target areas, within ten (10) business days.

**Payment Rate and Authorization:** Payment for this service is per hour at the rate of:

- Statewide - \$31.35

#### **Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days.
- At least 90% of reports received rated superior/satisfactory

## **TRANSPORTATION**

**Note:** This item does not include those services under the definitions contained within the Commissioners’ Regulations, Part 247.7 b., relative to “special” transportation for non-ambulatory individuals. Neither does it apply to individuals receiving transportation from licensed limousine, car service or taxi vendors who are duly licensed by local government agencies.

#### **Definition:**

Transportation services are round-trip rides provided or coordinated by the vendor for ACCES-VR customers who are engaged in ACCES-VR services.

#### **Services:**

Transportation services are intended to bring the customer to and from the site of an identified ACCES-VR services vendor, usually to the individual’s residence. If two (2) distinct core services are being delivered sequentially at different locations, customers may be transported to both services.

**All transportation services are required to be provided in person.**

### **TRANSPORTATION I (Case Service Code Plus Suffix “V”)**

***Unit of service is the actual cost of one round-trip to and from a vendor site***

Vendor provides the customer with payment for ACCES-VR-approved transportation costs, usually for metro/bus passes, to facilitate the customer's ability to participate in identified services. This service is authorized based on one round-trip per day for the expected duration of participation in the identified service.

**Deliverables and Payment Process:** Vendor must submit an ACCES-VR Transportation I report for actual costs, including the customer's signature when the funds are disbursed, within ten (10) business days of providing the service.

**Payment Rate and Authorization:** Payment for this service is the actual cost statewide.

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days.
- At least 90% of reports rated superior/satisfactory

**TRANSPORTATION II (Case Service Code Plus Suffix "T")**

***Unit of service is one (1) round-trip***

For those customers authorized for transportation support, the vendor provides round-trip rides to facilitate the customer's ability to participate in identified services. All individuals and vehicles providing transportation to ACCES-VR customers must meet all DMV requirements. Individuals transporting ACCES-VR customers must maintain a current defensive driving certificate.

**Deliverables and Payment Process:** Vendor must submit an ACCES-VR Transportation II report for the actual number of trips, including the customer's signature for each trip, within ten (10) business days of providing the service.

**Payment Rate and Authorization:** Payment for this service is a flat round-trip rate of:

- Statewide - \$49.89

**Established Performance Indicators:**

- Amount of time from authorization start date to commencement of services is ten (10) business days.
- At least 90% of reports rated superior/satisfactory

## VENDOR STAFFING REQUIREMENTS

### QUALIFICATIONS

ACCES-VR requires applicants for Core Rehabilitation Services to have staff that meet educational, experience, and supervision requirements, and where applicable certifications and/or licensures as identified below for each service they will be providing. Applicants must define their staffing plan to meet the identified staffing requirements for all the services that they apply to provide under this RFP. ACCES-VR requires vendors to have staff meeting the identified requirements within six (6) months of contract execution to deliver the approved and authorized service(s).

Applicants must include resumes of existing staff that will be responsible for the delivery of services that they are applying to provide under this RFP. ACCES-VR recognizes fluidity of staffing patterns; therefore, vendors are required to notify the ACCES-VR District Office of new hires and provide resumes for approval.

#### **Pre-ETS Services**

Vendor staff providing Pre-ETS services to ACCES-VR customers must meet qualifications defined in job descriptions determined by the vendor and commensurate with the scope and responsibilities of these services. Vendor staff must have a desire to work with individuals with disabilities, including students with disabilities and their families; have knowledge and understanding of the intent of Pre-Employment Transition Services; have the ability to engage, work with, and communicate with students; be able to assess and monitor service progress; have strong communication skills; and be able to document service outcomes and write clear, concise progress reports.

#### **Entry Services**

Vendor staff providing Entry Services to ACCES-VR customers must meet qualifications defined in the job descriptions determined by the vendor and commensurate with the scope and responsibilities of these services. Vendor staff must have a desire to work with individuals with disabilities; have knowledge and understanding of ACCES-VR's application process; have the ability to engage, work with, and communicate with individuals with disabilities; have strong communication, time management, and organizational skills; and be able to document service outcomes and write clear, concise reports.

#### **Assessment Services**

Vendor staff providing Assessment services to ACCES-VR customers must meet the following qualifications:

##### **Evaluator II**

Minimum qualifications:

- A. a master's degree in vocational rehabilitation or related area such as personnel, counseling, guidance, and one year of experience in vocational rehabilitation or other suitable fields; **or**
- B. a bachelor's degree and three years of appropriate experience in such areas as industrial arts, occupational therapy or rehabilitation counseling; **or**
- C. a combination of experience and training, such as experience as evaluator in a community rehabilitation program: or experience in industry and completion of specialized rehabilitation-related courses which, in the judgment of the agency, is substantially equivalent to the standards of this subdivision.



### **Evaluator I**

(Individuals with this title shall be directly supervised by an evaluator II who meets the qualifications established in this section.)

Minimum qualifications:

- A. a master's degree in vocational rehabilitation counseling or evaluation or related area such as personnel, counseling and guidance, and enrollment in a short-term specialized course approved by the agency; **or**
- B. a bachelor's degree, enrollment in a specialized course, and enrollment in a master's degree program in vocational rehabilitation or related areas; **or**
- C. combination of education and experience which, in the judgment of the agency, is substantially equivalent to the standards of this subdivision.

### **Functional Capacities Evaluation**

Must be completed by a physical or occupational therapist holding a valid license in New York State, or other current licensed provider qualified by scope of practice.

### **Employment Preparation Services**

Vendor staff providing Employment Preparation Services to ACCES-VR customers must meet the following qualifications:

### **Benefits Advisement**

Minimum qualifications: Certification through Social Security Administration or Cornell University.

### **Self-Advocacy for Employment and Work Readiness**

Must meet qualifications defined in the job descriptions determined by the vendor and commensurate with the scope and responsibilities of these services. The vendor staff must demonstrate an ability to provide vocational services for individuals with disabilities; be able to identify a wide variety of workplace supports; address employer concerns and negotiate resolutions; assess and monitor the ACCES-VR customer's progress; and write clear and concise reports.

Vendor staff supervising staff providing Work Readiness services must meet the following qualifications:

- (A) Bachelor's degree in Human Services or Human Resources; **or**
- (B) Four years' experience in the provision of work readiness services

### **Job Placement and Supported Employment Services**

Vendor staff providing Job Placement and Supported Employment Services must meet the following qualifications:

- A. a bachelor's degree and one year of experience in rehabilitation placement or related fields, and enrollment in a specialized course approved by ACCES-VR; **or**
- B. a bachelor's degree, enrollment in a specialized course, and enrollment in a master's degree program in vocational rehabilitation counseling or evaluation or related areas; **or**
- C. a combination of education and experience which, in the judgment of ACCES-VR, is substantially equivalent to the standards of this subdivision.

Vendor staff supervising staff providing Job Placement and Supported Employment Services must meet the following qualifications:

- A. a bachelor's degree and three years of experience in employment counseling, employment interviewing or personnel administration, which included responsibility for placement; and one year of experience working with the physically or mentally disabled; **or**
- B. a combination of education and specialized experience which, in the judgment of ACCES-VR, is substantially equivalent to the standards of this subdivision.

### **Assistive Technology / Rehabilitation Technology Services**

Vendor staff providing Assistive Technology and Rehabilitation Technology Services must meet the following qualifications:

- A. Two years' experience delivering rehabilitation and/or assistive technology services and
- B. Documented successful in providing rehabilitation technology services to individuals with disabilities in their area of expertise and
- C. Demonstrated ability to assess and deliver rehabilitation technology services and communicate the results effectively orally and in writing in a clear, concise, logical, and objective manner; and
- D. Maintain adequate liability insurance

Vendor staff that provide evaluation and trainings services to ACCES-VR customers must limit their scope of practice to the area they are trained, credentialed, and have related experience.

### **Driver Rehabilitation Services**

Vendor staff providing Driver Rehabilitation Services are expected to limit their scope of service to the areas they are trained, credentialed, and have experience.

**Please refer to the Association of Driver Rehabilitation Specialists (ADED) qualifications**

<https://www.aded.net/page/credentials>

### **Adaptive Technology Driver Evaluator**

Minimum qualifications are three years' experience as a licensed professional in one of the following titles: Licensed Occupational Therapist; Licensed Physical Therapist; Licensed Psychologist; NYS Certified Driver Education Teacher or NYS DMV approved Driver Education Teacher and currently operating under a professional license.

### **Certified Driver Rehabilitation Specialist (CDRS)**

CDRS is an experienced practitioner who, through successful completion of a formal certification examination, has proven their capacity to provide services within the full spectrum of driver rehabilitation services. Vendor staff providing services as a CDRS must be credential by ADED. Requirements for credentialing can be found at <https://www.aded.net/page/215>

### **Driver Rehabilitation Professional (DRP)**

DRP is an individual in the field of driver rehabilitation who, through successful completion of specific training courses, is equipped to provide services within basic and low-tech driver rehabilitation services. Vendor staff providing services as a DRP must be credentialed by ADED. Requirements for credentialing can be found at <https://www.aded.net/page/DRP>

### **Driver Rehabilitation Specialist**

Is a professional who plans, develops, coordinates, and implements driving services for individuals with disabilities and include allied health personnel, driving instructors and others who have specialized in this area and received continuing education in the field, but who have not obtained the

certification offered by ADED and have not achieved either the DRP or CDRS. Minimum qualifications are three years' experience providing driver rehabilitation services to individuals with disabilities.

**Adjunct Services**

Vendor staff providing Adjunct Services must meet the following qualifications:

**Coaching Support staff (This does not include Job Coaching for Employment and Supported Employment Services)**

Minimum qualifications shall be a combination of education and specialized experience, by which the individual demonstrates experience, aptitude, and ability to provide direct assistance to ACCES-VR customers.

**Mobility Services staff**

Minimum qualification is two years' experience in providing mobility services to individuals with disabilities.

**Coaching and Communication Support staff**

Minimum qualification is experience providing direct services to individuals with disabilities including but not limited to those on the Autism Spectrum.

**Transportation Services staff**

Minimum qualifications are passing of any routine background checks within the vendor's operations and possesses appropriate licensure for type of vehicle utilized.

**TRAINING**

ACCES-VR requires vendors providing **Pre-Employment Transition Services (Pre-ETS), Job Placement Services and/or Supported Employment Services** to have staff meet training requirements prior to providing services and to meet continuous training requirements throughout the contract term. These trainings are outlined in the chart below. Vendors must complete all trainings within the specified timeframes, noted below, unless waived by ACCES-VR Central Office. All new vendor staff are mandated to complete the training requirements, unless waived by ACCES-VR Central Office.

Trainings will be delivered free of charge to vendors by an ACCES-VR contractor. Vendors must provide evidence of completed trainings to ACCES-VR if training was not provided through the approved ACCES-VR training contractor.

Type of Personnel	Training	Timeframe
All Vendor Staff providing Pre-ETS	Transition Services for Students and Youth; Employment Services Delivery	Complete within twenty-four (24) months of CRS contract start date <b>OR</b> For new hires, complete within twelve (12) months of employee start date, unless

		waived by ACCES-VR Central Office
<b>All Vendor Staff providing Job Placement Services and/or Supported Employment Services</b>	<b>Employment Services Delivery; Advanced Employment Services Delivery and Practice</b>	Complete within twenty-four (24) months of CRS contract start date <b>OR</b> For new hires, complete within twelve (12) months of employee start date, unless waived by ACCES-VR Central Office
<b>Key Staff Responsible for Program and Fiscal Administration of Pre-ETS, Job Placement Services and Supported Employment Services</b>	<b>Program and Fiscal Administration Practices including use of ACCES-VR vendor portal</b>	Complete within first twelve (12) months of CRS contract start date or the date that this revised TIER is made available. <b>OR</b> For new hires, complete within six (6) months of employee start date or the date that this revised TIER is made available
<b>All Vendor Staff providing Pre-ETS, Job Placement Services and/or Supported Employment Services</b>	<b>Continuing Education Courses</b>	Continuous throughout contract term. Once all Tiers are completed all staff must complete six (6) hours of continuing education courses per year.

**NOTE: If the above training standards are not met, ACCES-VR will not authorize services to be rendered for our customers. Noncompliance with these mandatory training requirements will factor into overall contract performance and subsequent estimated contract values.**

## Section 2: Submission

### Documents to be submitted with this proposal

This section details the submission document or documents that are expected to be transmitted by the respondent to the New York State Education Department (NYSED) in response to this RFP. The submission will become the basis on which NYSED will judge the respondent's ability to perform the required services as laid out in the RFP.

### Project Submission:

Submit applications electronically online at [RFP GC25-005 CRS Rebid Application](#).

The online application will require the following:

- Basic Information and Application
- CRS Service Description Plans (Section 1-A through 1-I) for each service you are applying to provide
- Resumes of staff who are qualified to provide CRS services
- Curricula or Syllabi where required
- Capacities for each service you are applying to provide
- Additional submission documents (please see the online Application Checklist for a complete list of all documents that should be submitted with the application)

**Proposals received after the due date will not be accepted or considered for a contract award.**

### Capacity Summary

The annual number of units must be entered for each service an applicant applies to provide.

- Applicants should carefully read the definition of each service to determine the number of units for each service being applied for (i.e., annual number of units per individual served times number of individuals your agency can serve in one year).
- Applicants should accurately project the number of units for each service the applicant expects to deliver.

**NYSED will deem the applicant to be “non-responsive” if applications are not complete. Applicant submissions will not be accepted after the due date of January 31, 2025.**

**Documents should be submitted in the online application. To include multiple documents in one upload, create a zipped folder and upload the entire folder. If you have any trouble with the online application, email [CRS2024@nysed.gov](mailto:CRS2024@nysed.gov).**

**Proposals received after the due date will not be accepted or considered.**

### Section 3: Evaluation Criteria and Method of Award

This section includes the criteria NYSED will use to evaluate proposals, how the contractor will be selected, and the method of award, how contract awards will be allocated. This will be followed by various terms and conditions that reflect the specific needs of this project as well as New York State contract guidelines and requirements.

All complete proposals received by the deadline will be reviewed. Applicants must ensure that all components of the application and all forms and assurances are complete and included as required.

**Note: Scoring for each service will be done on a pass/fail basis.** Applicants must complete all required application sections online to be considered for an award. Applicants must meet all the requirements for a service to be scored. See each of the appropriate CRS Service Forms (application Sections 1-A through 1-I) for the respective requirements. Applicants must submit staff resumes, syllabus and/or curriculum when applicable.

#### Criteria for Evaluating Bids

The Basic Information Form of each RFP application will be reviewed on a **PASS/FAIL** basis contingent upon bidder's thorough completion of the form:

Applicant's responses to questions regarding their organization and the services they propose to provide. Organizations with 0 – 5 employees will have the option of a non-applicable (N/A) response. An N/A response is not allowed for organizations with 6 or more employees and if checked where indicated will be considered a "no" response.

Each applicant must complete each section of the Basic Information Form online and have a YES response to the Staffing Qualifications and Record Keeping questions (unless qualified for a N/A response).

Each service area will be evaluated separately based on the responses to the questions regarding delivery of the specific services the applicant proposes to provide. The applicant must provide the resumes of all qualified staff who will provide CRS services. **RFP Applications with a FAIL score will be eliminated from further consideration.**

A Basic Information Form must receive a **PASS** rating to be eligible to provide services. Successful bid applications will then be reviewed, and a discrete **PASS/FAIL** score provided for each service proposed. A vendor can **PASS** on the Basic Information and receive a **FAIL** rating on a specific service. In addition, a vendor could **PASS** some services categories and **FAIL** others depending on ability to meet the established criteria in the RFP. Please note: Each case service has specific requirements. Failure to meet any of those specific requirements will disqualify the applicant for that case service.

**EACH service or service category reviewed must receive a PASS score to be considered for a contract for that service. Proposals with a FAIL score will be eliminated from further consideration.**

Only Service or Service Categories receiving a **PASS** score for a Core Rehabilitation Services will be moved to the next step and considered for allocation of a contract award. Approval for any category of service does not guarantee an award or a contract. **Contract awards will only be made for service or service categories receiving a PASS score; services or service categories with a FAIL score will be eliminated from further consideration.**

### **Method of Award**

The method for allocation of contract awards is designed to allow ACCES-VR to optimize purchase of services from vendors who:

- Provide quality services that result in employment outcomes and
- Meet the varying customer needs for the service gaps in the 15 district offices identified in Section 1 of this RFP.

ACCES-VR will utilize a formula to award contract allocations to vendors based on:

- Past contract utilization while still allowing opportunities for new vendors
- Expected contract growth based on new services being added to the contract
- Expected contract growth based on growing demands as new customers and additional youth customers seek vocational rehabilitation services.

**The amount of award is dependent on the availability of funds.**

### New Vendors

For vendors that were not previously awarded a CRS2024 contract, a one-year allocation will be determined for each category of service using the methodology:

- in section A below (Utilization-based Allocations) if they were previously contracted to provide this service during the 2019-2023 timeframe, or
- in section B below (New Vendor Allocations) if they were not.

The one-year allocations for supported employment (SE) intensive, supported employment (SE) extended (youth and adult), core rehabilitation services (CRS), and Potentially Eligible (PE) services will be added together, then divided by two to calculate the 2025 budget (July through December 2025). For contract year 2026, the 2025 six month budget will be multiplied by two, then multiply that amount by 1.03 to calculate the estimated 2026 budget value. For contract years 2027 and 2028, those budgets will be calculated by multiplying the previous year's budget by 1.03. The 3% increase is included so that a projected cost of living adjustment can be applied. These calculations will be added together to determine the three and a half year estimated contract total.

### Current CRS2024 Vendors

If a current CRS2024 vendor is awarded additional services, then the vendor will be awarded additional estimated contract value through a contract amendment. The amount of the increase will be based on the methodology for the category of service that is added and whether or not the vendor previously contracted to provide that service during the 2019-2023 timeframe.

- If the vendor was contracted to provide that service during the 2019-2023 timeframe, the increase will be calculated as described in section A below (Utilization-based Allocations).
- If the vendor was not contracted to provide that service during the 2019-2023 timeframe, the vendor will be considered a new vendor for that service, and the increase will be based on the distribution of available funding as described in section B below (New Vendor Allocations), but no more than the vendor's stated capacity.

The one-year allocations for supported employment (SE) intensive, supported employment (SE) extended (youth and adult), core rehabilitation services (CRS), and Potentially Eligible (PE) services will be added together, then divided by two to calculate the 2025 budget (July through December 2025) for additional services being awarded. For contract year 2026, the 2025 six month budget will be multiplied by two, then multiply that amount by 1.03 to calculate the estimated 2026 budget value for additional services being awarded. For contract years 2027 and 2028, those budgets will be calculated by multiplying the previous year's budget by 1.03. The 3% increase is included so that a projected cost of living adjustment can be applied. These calculations will be added together to determine the additional estimated contract value needed to cover the additional services for the remaining contract years.

The method of award will ensure that both existing vendors and new vendors have a base of funding that would enable them to provide necessary services to ACCES-VR customers. Before the award process begins, funds will be set aside for the new vendor allocations. Both new and existing vendors who demonstrate that they have the qualifications and capacity to provide CRS services and meet the requirements will have the opportunity to obtain a contract or contract amendment, as applicable. Contract awards for existing and new vendors are estimates. **ACCES-VR may increase or decrease estimated contract values during the contract term based on customer need.**

## **A) Utilization-based Allocations**

### **Supported Employment Intensive**

Step 1: Calculate units used by Supported Employment Intensive Case Service Code (CSC) for each of the 2019 through 2023 years. For each CSC, average the greatest number of annual units and the second greatest number of annual units used between 2019 through 2023. This will determine the base number of units.

Step 2: Calculate the SE Intensive base contract value (or contract amendment amount) by multiplying the base number of units in step 1 for each CSC by the associated SE Intensive rate for the region listed in this RFP. Sum these numbers together. If the total is less than \$10,000, set the total to \$10,000. This is the base SE Intensive amount (or contract amendment amount) for the 2025 one-year allocation. The one-year allocation will be combined with the one-year allocations for other service categories and divided by two to become the 2025 six month budget.

**NOTE:** Vendors applying to provide any of the SE services must establish that they have the necessary capacity, including qualified staff available to provide the prescribed level of service. The allocation dollar value will not exceed the vendor's stated capacity.

### **Supported Employment Extended**



Vendors are eligible to receive the same number of units billed and paid for in the most recent closed out year ending December 31, 2023. However, all vendors must only request the number of units that they have the capacity to provide service. The one-year allocation will be combined with the one-year allocations for other service categories and divided by two to become the 2025 six month budget.

### **Supported Employment Extended for Youth**

Vendors will receive SE Extended for Youth units based on the average of the greatest number of annual units and the second greatest number of annual units used between the 2019 through 2023 contract years. A unit is defined as two visits per month for a full year for one customer. The one-year allocation will be combined with the one-year allocations for other service categories and divided by two to become the 2025 six month budget.

### **Core Rehabilitation Services (CRS)**

Step 1: Calculate the units used for each CRS Case Service Code (CSC) for each of the 2019 through 2023 years. For each CSC, average the greatest number of annual units and the second greatest number of annual units used between 2019 through 2023. This will determine the base number of units. Some CRS Services unit descriptions were redefined in the CRS2024 RFP #GC24-003. All unit totals for those services will have their base units adjusted to reflect the change. For example, a service changing from an hour to a half hour as a unit will convert to two (2) half hour units per hour unit reported.

Step 2: Calculate base contract value (or contract amendment amount) by multiplying the base number of units in step 1 for each CSC by the associated CRS rate for the region listed in this RFP. Sum these numbers together. If the total is less than \$10,000, set the total to \$10,000. This is the base amount (or contract amendment amount) for the 2025 one-year allocation. The one-year allocation will be combined with the one-year allocations for other service categories and divided by two to become the 2025 six month budget.

**NOTE:** Vendors applying to provide any of CRS must establish that they have the necessary capacity, including qualified staff available to provide the prescribed level of service. The allocation dollar value will not exceed the vendor's stated capacity.

**Mergers:** In the event that existing vendors have legally merged prior to the final award of the contract, ACCES-VR will apply the method of award as appropriate to each agency based on their prior utilization and then sum the totals from each agency to determine surviving vendor's final award for CRS, not to exceed the overall capacity as stated in both agency's online applications.

ACCES-VR recommends that applicants do not change their corporate status (mergers, change from DBA to LLC, etc.) during the application process. Should applicants require such changes they should notify ACCES-VR immediately at [CRS2024@nysed.gov](mailto:CRS2024@nysed.gov).

### **Potentially Eligible Services**

Step 1: Calculate units used by current vendors of Potentially Eligible services for each of the years in the previous contract. For each service, select the greatest number of annual units used in the previous

contract. If the rate changed from flat rate to half hour rates, multiply the units by 6 to determine the number of half hour units under the new rate structure. If a vendor has multiple contracts, combine these amounts to determine vendor utilization. This will determine the base number of units for the 2025 contract year.

Step 2: Calculate the Potentially Eligible base contract value (or contract amendment amount) by multiplying the base number of units in step 1 for each service by the associated Potentially Eligible rate listed in this RFP. Sum these numbers together. If the total is less than \$10,000, set the total to \$10,000. This is the base Potentially Eligible amount (or contract amendment amount) for the 2025 one-year allocation. The one-year allocation will be combined with the one-year allocations for other service categories and divided by two to become the 2025 six month budget.

**NOTE:** Vendors applying to provide any of the Potentially Eligible services must establish that they have the necessary capacity, including qualified staff available to provide the prescribed level of service. The allocation dollar value will not exceed the vendor's stated capacity.

## **B) New Vendor Allocations**

A vendor will receive a New Vendor Allocation for any services they are awarded which they were not previously contracted to provide within the 2019-2023 timeframe.

ACCES-VR has reserved \$2 million dollars (\$2,000,000) per contract year specifically for the purpose of new vendor allocations. The reserved amount for new vendor allocations can be increased at NYSED's discretion if funds are remaining after utilization-based awards have been calculated. First, awards will be made for Supported Employment Extended and Youth Supported Employment Extended as described in the section below. The remaining amount will be allocated as follows: 40% for Potentially Eligible services, 40% for Core Rehabilitation Services and 20% for Supported Employment Intensive.

### **Supported Employment Extended and Youth Supported Employment Extended**

New vendors applying to become an ACCES-VR Supported Employment Extended vendor must have established funding for Supported Employment extended through either the New York State Office for People With Developmental Disabilities (OPWDD), or the Office of Mental Health (OMH) or Medicaid Waiver programs. Applicants must submit evidence of OPWDD or OMH funding prior to the start of services.

The vendor may request ACCES-VR units (Adult and/or Youth). New vendors selected will receive up to 2 units, based on stated capacity.

### **Potentially Eligible Services**

Contract values for new vendor one-year allocations will be distributed in equal amounts up to a maximum of \$100,000 annually, but not more than the vendor's stated capacity.

### **Core Rehabilitation Services**

Contract values for new vendor one-year allocations will be distributed in equal amounts up to a maximum of \$100,000 annually, but not more than the vendor's stated capacity.

### **Supported Employment Intensive**

Contract values for new vendor one-year allocations will be distributed in equal amounts up to a maximum of \$100,000 annually, but not more than the vendor's stated capacity.

#### **Notes:**

- The RFP may be reissued for certain services in cases where need cannot be met.
- Cost of living adjustment to the rates may be provided during the contract term, at ACCES-VR's discretion and subject to availability of funds. Separately negotiated rate changes will not be allowed. Any cost-of-living adjustment will be based on the percentage increase, up to 5%, in the Unadjusted Consumer Price Index for Urban Wage Earners & Clerical Workers (CPI-W) for New York-All Items) from July of the preceding year to July of the current year, rounded to the nearest one-tenth of one percent. Any adjustment will be applied to the rates on January 1 of the subsequent year. For example, to compute a rate for January 1, 2026, we would compute the difference between the indices for July 2024 and July 2025.

#### **Contract Development**

- Apply funding based on the above method of award to determine the estimated annual budget or budget amendment, as applicable, then divide by two to become the 2025 budget (July through December 2025)
- For contract year 2026, the 2025 six month budget will be multiplied by two, then multiply that amount by 1.03 to calculate the estimated 2026 budget value. For contract years 2027 and 2028, those budgets will be calculated by multiplying the previous year's budget by 1.03. This 3% increase will allow for potential rate adjustments (i.e., COLA as described above), and as specified in the RFP for certain rates (e.g., Community Work Experience rate). All future rate adjustments are at the sole discretion of NYSED. NYSED reserves the right to adjust the contract value over the life of the contract when it can establish that there is no longer sufficient capacity for a particular service within a region. The application of performance and quality measures will be considered when seeking any amendments.

#### **Amending Contract Value**

- During the contract period, it may be necessary to increase contract values based on vendor performance and customer need. ACCES-VR will amend contracts, as needed, according to the following process:
  1. Vendor data report will be produced by ACCES-VR and sent to District Office and Central Office staff for review monthly. The District Offices conduct a review with all vendors twice per year.

2. District Office staff review data reports and determine which vendors require a contract value increase.
3. District Office staff submit "Estimated Contract Value Modification" requests and justifications to ACCES-VR Central Office staff for review.
4. Central Office reviews requests and determines if:
  - There is need for additional service capacity in the district.
  - No other vendors are able to provide services.
  - Vendor performance is satisfactory.
  - Customers may be prevented from obtaining education and vocational services if contracts are not modified.
  - There are special circumstances that warrant contract value modification (special populations, transportation, informed choice, cultural competence, etc.)
5. Central Office staff approves the requests.
6. CRS Contract Value Letter will be used to document that the vendor and SED agree to the changes to the contract value.
7. NYSED submits request to OSC for approval
8. If approved by OSC, NYSED notifies the vendor that their budget has been increased.

## **NYSED's Reservation of Rights**

NYSED reserves the right to: (1) reject any or all proposals received in response to the RFP; (2) withdraw the RFP at any time, at the agency's sole discretion; (3) make an award under the RFP in whole or in part; (4) disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFP; (5) seek clarifications of proposals; (6) use proposal information obtained through site visits, management interviews and the state's investigation of a bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the bidder in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFP; (7) prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available; (8) prior to the bid opening, direct bidders to submit proposal modifications addressing subsequent RFP amendments; (9) change any of the scheduled dates; (10) waive any requirements that are not material; (11) negotiate with the successful bidder within the scope of the RFP in the best interests of the state; (12) conduct contract negotiations with the next responsible bidder, should the agency be unsuccessful in negotiating with the selected bidder; (13) utilize any and all ideas submitted in the proposals received; (14) unless otherwise specified in the solicitation, every offer is firm and not revocable for a period of 90 days from the bid opening; (15) require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offeror's proposal and/or to determine an offeror's compliance with the requirements of the solicitation; (16) request best and final offers.

## **Entities' Responsibility**

Projects must operate under the jurisdiction of the local board of education, or other appropriate governing body, and are subject to at least the same degree of accountability as all other expenditures of the local agency. The local board of education, or other appropriate governing body, is responsible for the proper disbursement of, and accounting for project funds. Written agency policy concerning wages, mileage and travel allowances, overtime compensation, or fringe benefits, as well

as State rules pertaining to competitive bidding, safety regulations and inventory control must be followed. Supporting or source documents are required for all grant related transactions entered into the local agency's recordkeeping systems. Source documents that authorize the disbursement of grant funds consist of purchase orders, contracts, time and effort records, delivery receipts, vendor invoices, travel documentation and payment documents.

Supporting documentation for grants and grant contracts must be kept for at least six years after the last payment was made unless otherwise specified by program requirements. Additionally, audit or litigation will "freeze the clock" for records retention purposes until the issue is resolved. All records and documentation must be available for inspection by State Education Department officials or its representatives.

For additional information about grants, please refer to the [Fiscal Guidelines for Federal and State Aided Grants](#).

## **Contract Terms and Conditions**

Individual awards issued under this grant RFP will require that the awardee enter into a grant contract, the form of which is contained in an attachment to this RFP. In addition to being signed by the awardee and NYSED Counsel, the contract will need to be submitted for review and approval by the NYS Attorney General and the Office of the State Comptroller. All provisions of this RFP are subordinate to the terms and conditions of the grant contract. The contents of this RFP, any subsequent correspondence related to final contract negotiations, and such other stipulations as agreed upon may be made a part of the final contract developed by NYSED.

## **Prequalification Requirement**

Pursuant to the New York State Division of the Budget bulletin H-1032 (revised January 9, 2024), not-for-profit organizations must Prequalify to do business with New York State agencies before they can compete for State grants. The process allows nonprofits to address questions and concerns prior to entering a competitive bid process. Nonprofits are strongly encouraged to begin the Prequalification process as soon as possible.

New York State has moved the Prequalification process for not-for-profits from Grants Gateway to the Statewide Financial System (SFS). To become prequalified, a nonprofit must first register with the Statewide Financial System (SFS). Once registered, nonprofits complete an online Prequalification application. This includes completing a series of forms by answering basic questions regarding the organization and uploading key organizational documents. Detailed information on how to [register](#) with SFS and [become prequalified](#) is available on the [Grants Management](#) website.

**Disclaimer:** *New York State reserves 5-10 business days from the receipt of complete Prequalification applications to conduct its review. If supplementary information or updates are required, review times will be longer. Due to the length of time this process could take to complete, it is advised that nonprofits Prequalify as soon as possible. Failure to successfully complete the Prequalification process early enough may result in a grant application being disqualified.*

**Proposals received from nonprofit applicants that are not Prequalified by 5:00 PM on the proposal due date of January 31, 2025 cannot be evaluated. Such proposals will be disqualified from further consideration.**

## **Debriefing Procedures**

All unsuccessful applicants may request a debriefing within fifteen (15) calendar days of receiving notice from NYSED. Bidders may request a debriefing letter on the selection process regarding this RFP by submitting a written request to the Fiscal Contact person at [CRS2024@nysed.gov](mailto:CRS2024@nysed.gov).

The Fiscal Contact person will arrange with program staff to provide a written summary of the proposal's strengths and weaknesses, as well as recommendations for improvement. Within ten (10) business days, the program staff will issue a written debriefing letter to the bidder.

## **Contract Award Protest Procedures**

Applicants who receive a notice of non-award or disqualification may protest the NYSED award decision subject to the following:

1. The protest must be in writing and must contain specific factual and/or legal allegations setting forth the basis on which the protesting party challenges the contract award by NYSED.

2. The protest must be filed within ten (10) business days of receipt of a debriefing or disqualification letter. The protest letter must be filed with [CRS2024@nysed.gov](mailto:CRS2024@nysed.gov).

3. The NYSED Contract Administration Unit (CAU) will convene a review team that will include at least one staff member from each of NYSED's Office of Counsel, CAU, and the Program Office. The review team will review and consider the merits of the protest and will decide whether the protest is approved or denied. Counsel's Office will provide the bidder with written notification of the review team's decision within ten (10) business days of the receipt of the protest. The original protest and decision will be filed with OSC when the contract procurement record is submitted for approval and CAU will advise OSC that a protest was filed.

4. The NYSED Contract Administration Unit (CAU) may summarily deny a protest that fails to contain specific factual or legal allegations, or where the protest only raises issues of law that have already been decided by the courts.

## **Vendor Responsibility**

State law requires that the award of state contracts be made to responsible vendors. Before an award is made to a not-for-profit entity, a for-profit entity, a private college or university or a public entity not exempted by the Office of the State Comptroller, NYSED must make an affirmative responsibility determination. The factors to be considered include legal authority to do business in New York State; integrity; capacity - both organizational and financial; and previous performance. Before an award of \$100,000 or greater can be made to a covered entity, the entity will be required to complete and submit

a Vendor Responsibility Questionnaire. School districts, Charter Schools, BOCES, public colleges and universities, public libraries, and the Research Foundation for SUNY and CUNY are some of the exempt entities. For a complete list, see [OSC's website](#).

NYSED recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the [VendRep System Instructions](#) or go directly to the [VendRep System online](#).

Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the [Office of the State Comptroller's Help Desk](#) at 866-370-4672 or 518-408-4672 or by email at [ITServiceDesk@osc.ny.gov](mailto:ITServiceDesk@osc.ny.gov).

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the [VendRep website](#) or may contact NYSED or the Office of the State Comptroller's Help Desk for a copy of the paper form.

### **Subcontractors:**

For vendors using subcontractors, a Vendor Responsibility Questionnaire and a NYSED vendor responsibility review are required for a subcontractor when:

- the subcontractor is known at the time of the contract award;
- the subcontractor is not an entity that is exempt from reporting by OSC; and
- the subcontract will equal or exceed \$100,000 over the life of the contract

### **Public Officer's Law Section 73**

All bidders must comply with Public Officer's Law Section 73 (4)(a), as follows:

4. (a) No statewide elected official, state officer or employee, member of the legislature, legislative employee or political party chairman or firm or association of which such person is a member, or corporation, ten per centum or more of the stock of which is owned or controlled directly or indirectly by such person, shall (i) sell any goods or services having a value in excess of twenty-five dollars to any state agency, or (ii) contract for or provide such goods or services with or to any private entity where the power to contract, appoint or retain on behalf of such private entity is exercised, directly or indirectly, by a state agency or officer thereof, unless such goods or services are provided pursuant to an award or contract let after public notice and competitive bidding. This paragraph shall not apply to the publication of resolutions, advertisements or other legal propositions or notices in newspapers designated pursuant to law for such purpose and for which the rates are fixed pursuant to law.

(i) The term "state officer or employee" shall mean:

(i) heads of state departments and their deputies and assistants other than members of the board of regents of the university of the state of New York who receive no compensation or are compensated on a per diem basis;

(ii) officers and employees of statewide elected officials;

(iii) officers and employees of state departments, boards, bureaus, divisions, commissions, councils or other state agencies other than officers of such boards, commissions or councils who receive no compensation or are compensated on a per diem basis; and



(iv) members or directors of public authorities, other than multistate authorities, public benefit corporations and commissions at least one of whose members is appointed by the governor, who receive compensation other than on a per diem basis, and employees of such authorities, corporations and commissions.

Review [Public Officer's Law Section 73](#).

## **Registration In Federal System for Award Management (SAM)**

In order to be awarded federal funds, an agency must be registered (and then maintain a current registration) in the federal System for Award Management known as SAM (<http://www.sam.gov>). SAM is a government-wide, web-enabled database that collects, validates, stores and disseminates business information about organizations receiving federal funds.

## **NYSED Substitute Form W-9**

Any payee/vendor/organization receiving Federal and/or State payments from NYSED must complete the NYSED Substitute Form W-9 if they are not yet registered in the Statewide Financial System centralized vendor file.

The NYS Education Department (NYSED) is using the NYSED Substitute Form W-9 to obtain certification of a vendor's Tax Identification Number in order to facilitate a vendor's registration with the SFS centralized vendor file and to ensure accuracy of information contained therein. We ask for the information on the NYSED Substitute Form W-9 to carry out the Internal Revenue laws of the United States.

## **Workers' Compensation Coverage and Debarment**

New York State Workers' Compensation Law (WCL) has specific coverage requirements for businesses contracting with New York State and additional requirements which provide for the debarment of vendors that violate certain sections of WCL. The WCL requires and has required since introduction of the law in 1922, the heads of all municipal and State entities to ensure that businesses have appropriate workers' compensation and disability benefits insurance coverage *prior* to issuing any permits or licenses, or *prior* to entering into contracts.

Workers' compensation requirements are covered by WCL Section 57, while disability benefits are covered by WCL Section 220(8). The Workers' Compensation Benefits clause in Appendix A – STANDARD CLAUSES FOR NEW YORK STATE CONTRACTS states that in accordance with Section 142 of the State Finance Law, a contract shall be void and of no force and effect unless the contractor provides and maintains coverage during the life of the contract for the benefit of such employees as are required to be covered by the provisions of the WCL.

Under provisions of the 2007 Workers' Compensation Reform Legislation (WCL Section 141-b), any person, or entity substantially owned by that person: subject to a final assessment of civil fines or penalties, subject to a stop-work order, or convicted of a misdemeanor for violation of Workers' Compensation laws Section 52 or 131, is barred from bidding on, or being awarded, any public work contract or subcontract with the State, any municipal corporation or public body for one year for each violation. The ban is five years for each felony conviction.



## PROOF OF COVERAGE REQUIREMENTS

The Workers' Compensation Board has developed several forms to assist State contracting entities in ensuring that businesses have the appropriate workers' compensation and disability insurance coverage as required by Sections 57 and 220(8) of the WCL.

***Please note – an ACORD form is not acceptable proof of New York State workers' compensation or disability benefits insurance coverage.***

### Proof of Workers' Compensation Coverage

To comply with coverage provisions of the WCL, the Workers' Compensation Board requires that a business seeking to enter into a State contract submit appropriate proof of coverage to the State contracting entity issuing the contract. For each new contract or contract renewal, the contracting entity must obtain ONE of the following forms from the contractor and submit to OSC to prove the contractor has appropriate workers' compensation insurance coverage:

- **Form C-105.2** – Certificate of Workers' Compensation Insurance issued by private insurance carriers, or **Form U-26.3** issued by the State Insurance Fund; or
- **Form SI-12**– Certificate of Workers' Compensation Self-Insurance; or **Form GSI-105.2** Certificate of Participation in Workers' Compensation Group Self-Insurance; or
- **CE-200**– Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage.

### Proof of Disability Benefits Coverage

To comply with coverage provisions of the WCL regarding disability benefits, the Workers' Compensation Board requires that a business seeking to enter into a State contract must submit appropriate proof of coverage to the State contracting entity issuing the contract. For each new contract or contract renewal, the contracting entity must obtain ONE of the following forms from the contractor and submit to OSC to prove the contractor has appropriate disability benefits insurance coverage:

- **Form DB-120.1** - Certificate of Disability Benefits Insurance; or
- **Form DB-155**- Certificate of Disability Benefits Self-Insurance; or
- **CE-200**– Certificate of Attestation of Exemption from New York State Workers' Compensation and/or Disability Benefits Coverage.

For additional information regarding workers' compensation and disability benefits requirements, please refer to the [New York State Workers' Compensation Board website](#). Alternatively, questions relating to either workers' compensation or disability benefits coverage should be directed to the NYS Workers' Compensation Board, Bureau of Compliance at (518) 486-6307.

## Appendix I

District Offices by Regions:

<b>Region 1</b>	<b>Region 2</b>	<b>Region 3</b>
Bronx	Albany	Buffalo
Brooklyn	Malone	Rochester
Garden City	Southern Tier	
Hauppauge	Syracuse	
Manhattan	Utica	
Mid-Hudson		
Queens		
White Plains		

## Appendix R NEW YORK STATE EDUCATION DEPARTMENT'S DATA PRIVACY APPENDIX FOR GRANT CONTRACTS

### ARTICLE I: DEFINITIONS

As used in this Data Privacy Appendix ("DPA"), the following terms shall have the following meanings:

1. **Access:** The ability to view or otherwise obtain, but not copy or save, data arising from the on-site use of an information system or from a personal meeting.
2. **Breach:** The unauthorized Access, acquisition, use, or Disclosure of Personal Information that is (a) accomplished in a manner not permitted by New York State and federal laws, rules, and regulations, or in a manner that compromises its security or privacy, (b) executed by or provided to a person not authorized to acquire, access, use, or receive it, or (c) a Breach of Contractor's or Subcontractor's security that leads to the accidental or unlawful destruction, loss, alteration, Access to or Disclosure of, Personal Information.
3. **Disclose or Disclosure:** The intentional or unintentional release, transfer, or communication of Personal Information by any means, including oral, written, or electronic.
4. **Personal Information:** Information concerning a natural person which, because of name, number, personal mark, or other identifier, can be used to identify such natural person.
5. **Services:** Services provided by Contractor pursuant to this Contract with the New York State Education Department ("NYSED") to which this DPA is attached and incorporated.
6. **Subcontractor:** Contractor's non-employee agents, consultants, volunteers, including student interns, who is engaged in the provision of Services pursuant to an agreement with or at the direction of the Contractor.

### ARTICLE II: PRIVACY AND SECURITY OF PERSONAL INFORMATION

#### 1. **Compliance with Law.**

When providing Services pursuant to this Contract, Contractor may receive and/or have Access to Personal Information regulated by one or more New York and/or federal laws and regulations, including, but not limited to, the Family Educational Rights and Privacy Act at 12 U.S.C. § 1232g (34 CFR Part 99); Children's Online Privacy Protection Act at 15 U.S.C. §§ 6501-6502 (16 CFR Part 312); Protection of Pupil Rights Amendment at 20 U.S.C. § 1232h (34 CFR Part 98); the Individuals with Disabilities Education Act at 20 U.S.C. § 1400 et seq. (34 CFR Part 300); the New York Education Law at § 2-d (8 NYCRR Part 121); the New York General Business Law at article 39-F; and the New York Personal Privacy Protection Law at Public Officers Law article 6-A. Contractor agrees to maintain the

confidentiality and security of Personal Information in accordance with applicable New York, federal and local laws, rules and regulations.

## **2. Data Privacy and Security.**

- (a) Contractor agrees and understands that Contractor has no property, licensing, or ownership rights or claims to Personal Information Accessed by or Disclosed to Contractor for the purpose of providing Services, and Contractor shall not use Personal Information for any purpose other than to provide Services. Contractor will ensure that its Subcontractors agree and understand that neither the Subcontractor nor Contractor has any property, licensing or ownership rights or claims to Personal Information received or Accessed by or Disclosed to Subcontractor for the purpose of assisting Contractor in providing Services.
- (b) Contractor shall adopt and maintain reasonable safeguards to protect the security, confidentiality, and integrity of Personal Information in a manner that complies with General Business Law section 899-bb and other applicable New York State, federal and local laws, rules and regulations.
- (c) Upon NYSED's request, Contractor may be required to undergo an audit of its privacy and security safeguards, measures, and controls, or in lieu of performing an audit, provide NYSED with an industry standard independent audit report on Contractor's privacy and security practices that is no more than twelve months old.

## **3. Contractor's Employees and Subcontractors.**

- (a) Access to or Disclosure of Personal Information shall only be provided to Contractor's employees and Subcontractors who need to know the Personal Information to provide the Services and such Access and/or Disclosure of Personal Information shall be limited to the extent necessary to provide such Services. Contractor shall ensure that all such employees and Subcontractors comply with the terms of this DPA.
- (b) Contractor must ensure that each Subcontractor performing Services where the Subcontractor will have Access to and/or receive Disclosed Personal Information is contractually bound by a written agreement that includes confidentiality and data security obligations equivalent to, consistent with, and no less protective than, those found in this DPA.
- (c) Contractor shall examine the data privacy and security measures of its Subcontractors. If at any point a Subcontractor fails to materially comply with the requirements of this DPA, Contractor shall (i) notify NYSED, (ii) as applicable, remove such Subcontractor's Access to Personal Information; and (iii) as applicable, retrieve all Personal Information received or stored by such Subcontractor and/or ensure that such Personal Information has been securely deleted or securely destroyed in accordance with this DPA. In the event there is an incident in which

Personal Information held, possessed, or stored by the Subcontractor is compromised, unlawfully Accessed, or unlawfully Disclosed, Contractor shall follow the Data Breach reporting requirements set forth in Section 5 of this DPA.

- (d) Contractor shall take full responsibility for the acts and omissions of its employees and Subcontractors.
- (e) Other than Contractor's employees and Subcontractors who have a need to know the Personal Information, Contractor must not provide Access to or Disclose Personal Information to any other party unless such Disclosure is required by statute, court order or subpoena, and Contractor notifies NYSED of the court order or subpoena no later than the time the Personal Information is Disclosed, unless such Disclosure to NYSED is expressly prohibited by the statute, court order or subpoena. Notification shall be made in accordance with the Notice provisions of this r Contract and shall also be provided to the Office of the Chief Privacy Officer, NYS Education Department, 89 Washington Avenue, Albany, New York 12234.
- (f) Contractor shall ensure that its Subcontractors know that they cannot provide Access to or Disclose Personal Information to any other party unless such Disclosure is required by statute, court order or subpoena. If a Subcontractor is required to provide Access to or Disclose Personal Information pursuant to a court order or subpoena, the Subcontractor shall, unless prohibited by statute, court order or subpoena, notify Contractor no later than two (2) days before any Personal Information is Disclosed. Upon receipt of notice from a Subcontractor, Contractor shall provide notice to NYSED no later than the time that the Subcontractor is scheduled to provide Access to or Disclose the Personal Information.
- (g) Contractor shall ensure that all its employees and Subcontractors who will receive Personal Information will be trained on the federal and state laws governing confidentiality of such data prior to receipt.

#### **4. Data Return and Destruction of Data.**

- (a) Contractor is prohibited from retaining Disclosed Personal Information or continuing to Access Personal Information, including any copy, summary or extract of Personal Information, on any storage medium (including, without limitation, hard copies, and storage in secure data centers and/or cloud-based facilities) beyond the term of the this Contract unless such retention is expressly authorized by the this Contract, necessary for purpose of facilitating the transfer of Personal Information to NYSED, or expressly required by law. As applicable, upon expiration or termination of this Contract, Contractor shall transfer Personal Information to NYSED in a format agreed to by the Parties.
- (b) When the purpose that necessitated Contractor's Access to and/or Disclosure of Personal Information has been completed or Contractor's authority to have Access to Personal Information and/or retain Disclosed Personal Information has expired,

Contractor shall ensure that, as applicable, (1) all privileges providing Access to Personal Information are revoked, and (2) all Personal Information (including without limitation, all hard copies, archived copies, electronic versions, electronic imaging of hard copies) retained by Contractor and/or its Subcontractors, including all Personal Information maintained on behalf of Contractor or its Subcontractors in a secure data center and/or cloud-based facilities is securely deleted and/or destroyed in a manner that does not allow it to be retrieved or retrievable, read, or reconstructed. Hard copy media must be shredded or destroyed such that Personal Information cannot be read, or otherwise reconstructed, and electronic media must be securely cleared, purged, or destroyed such that the Personal Information cannot be retrieved, read, or reconstructed. When Personal Information is held in paper form, destruction of such Personal Information, and not redaction, will satisfy the requirements for data destruction. Redaction is specifically excluded as a means of data destruction.

- (c) Upon request by NYSED, Contractor may be required to provide NYSED with a written certification of (1) revocation of Access to Personal Information granted by Contractor and/or its Subcontractors, and (2) the secure deletion and/or secure destruction of Personal Information held by the Contractor or Subcontractors, at the address for notifications set forth in this Contract.
- (d) To the extent that Contractor and/or its Subcontractors continue to be in possession of any de-identified data (i.e., data that has had all direct and indirect identifiers removed), Contractor agrees that it will not attempt to re-identify de-identified data and/or transfer de-identified data to any person or entity, except as provided in subsection (a) of this section and that it will prohibit its Subcontractors from the same.

#### **5. Breach.**

- (a) Contractor shall promptly notify NYSED of any Breach of Personal Information, regardless of whether the Contractor or a Subcontractor suffered the Breach, without delay and in the most expedient way possible, but in no circumstance later than seven (7) calendar days after discovery of the Breach. Notifications shall be made in accordance with the notice provisions of this contract and shall also be provide to the office of the Chief Privacy Officer, NYS Education Department, 89 Washington Avenue, Albany, New York 12234 and must include a description of the Breach that identifies the date of the incident, the date of discovery, the types of Personal Information affected and the number of records affected; a description of Contractor's investigation; and the name of a point of contact.
- (b) Contractor and its Subcontractors will cooperate with NYSED, and law enforcement where necessary, in any investigations into a Breach. Any costs incidental to the required cooperation or participation of the Contractor or its Subcontractors will be

the sole responsibility of the Contractor if such Breach is attributable to Contractor or its Subcontractors.

- (c) Contractor shall promptly notify the affected individuals of any Breach, regardless of whether Contractor or a Subcontractor suffered the Breach. Such notice shall be made using one of the methods prescribed by § 899-aa (5) of the New York General Business Law. If Contractor requires information from NYSED to perform such notifications, Contractor shall reimburse NYSED for the cost of assembling and providing such information to Contractor.

**6. Termination.**

The confidentiality and data security obligations of Contractor under this DPA shall survive any termination of this Contract to which this DPA is attached and shall continue for as long as Contractor or its Subcontractors retain Access to Personal Information.

New York State Education Department

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**ASSURANCES AND CERTIFICATIONS FOR FEDERAL PROGRAM FUNDS**

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The following assurances and certifications may be a component of your application/contract. By signing the certification on page 12, you are ensuring accountability and compliance with applicable State and Federal laws, regulations, and grants management requirements. ***Certain of these assurances and/or certifications may not be applicable to your project or program. If you have questions, please contact the New York State Education Department program contact. Further, certain Federal awarding agencies may require contractors to certify to additional assurances. If this is the case, you will be notified.***

Federal Assurances and Certifications, General:

- Assurances – Non-Construction Programs
- Assurances - Construction Programs
- Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters
- Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions
- Certification Regarding Drug-Free Workplace Requirements
- Build America, Buy America Act

Federal Assurances and Certifications, WIOA:

The following may be required as a condition for receiving these Federal funds under the Workforce Innovation and Opportunity Act (“WIOA”):

- Supported Employment Assurances

**The applicant/contractor, by and through the undersigned authorized representative, assures that (1) it is familiar with, (2) it is complying with, and (3) it will continue to comply with State and Federal laws which apply to the applicant’s/contractor’s activities or which impose restrictions on the applicant’s/contractor’s use of funding or grants, including, but not limited to, all assurances and certifications required pursuant to WIOA.**



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**ASSURANCES - NON-CONSTRUCTION PROGRAMS**

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**Note:** Certain Federal awarding agencies may require applicants/contractors to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant/contractor, and by signing the Application Cover Page, I certify that the applicant/contractor, if applicable:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 *et seq.*), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or

Federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for Federally-assisted construction subagreements.
10. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 *et seq.*); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 *et seq.*); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 *et seq.*) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 *et seq.*).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 *et seq.*) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 *et seq.*), which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR Part 200, Audits of States, Local Governments, and Non-Profit Organizations.
18. Will comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act.

19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act ("TVPA") of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

**Standard Form 424B (Rev. 7-97), Prescribed by 2 CFR Part 200, Authorized for Local Reproduction, as amended by New York State Education Department**

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## ASSURANCES - CONSTRUCTION PROGRAMS

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**Note:** Certain Federal awarding agencies may require applicants/contractors to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant/contractor, and by signing the Application Cover Page, I certify that the applicant/contractor, if applicable:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistive awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or represents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint poisoning Prevention Act (42 U.S.C. §§ 4801 et. seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the

Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 *et seq.*), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or Federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for Federally assisted construction sub-agreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 *et seq.*); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 *et seq.*); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 *et seq.*) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 *et seq.*).

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18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

**Standard Form 424D (Rev. 7-97), Authorized for Local Reproduction, as amended by New York State Education Department**

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS**

These certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

**1. LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 2 CFR Part 200, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Sections 82.105 and 82.110, the applicant/contractor certifies that:

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

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

This certification is required by OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Non-procurement), 2 CFR Part 180

A. The applicant/contractor certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.
- (b) Have not within a three-year period preceding this application been convicted of any offenses listed in 2 CFR §180.800(a) or had a civil judgment rendered against them for one of those offenses within that time period.
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in 2 CFR §180.800(a).
- (d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default.

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

**3. DEBARMENT, SUSPENSION, INELIGIBILITY, AND VOLUNTARY EXCLUSION—LOWER TIERED COVERED TRANSACTIONS**

The terms “debarment,” “suspension,” “excluded,” “disqualified,” “ineligible,” “participant,” “person,” “principal,” “proposal,” and “voluntarily excluded” as used in this certification have the meanings set forth in 2 CFR Part 180, Subpart I, “Definition.” A transaction shall be considered a “covered transaction” if it meets the definition in 2 CFR Part 180 Subpart B, “What is a covered transaction?”

A. The applicant/contractor certifies that it and its principals:

- (a) Upon approval of their application, in accordance with 2 CFR Part 180 Subpart C, they shall not enter into any lower tier non-procurement covered transaction with a person without verifying that the person is not excluded or disqualified unless authorized by USDOE.
- (b) Will obtain an assurance from prospective participants in all lower tier covered non-procurement transactions and in all solicitations for lower tier covered non-procurement transactions that the participants will comply with the provisions of 2 CFR Part 180 subparts A,B, C and I.
- (c) Will provide immediate written notice to the New York State Education Department if at any time the applicant/contractor and its principals learn that a certification or assurance was erroneous when submitted or has become erroneous because of changed circumstances.



## CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

### Certification Regarding Drug-Free Workplace Requirements

The applicant/contractor certifies that it will provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing a drug-free awareness program to inform employees about—
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after each conviction;
- (e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—
  - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

**BUILD AMERICA, BUY AMERICA ACT (BABAA).**

The Contractor acknowledges that it understands and agrees that the infrastructure goods it is providing or acquiring under this Agreement are supported with Federal funds subject to the Build America, Buy America Act (BABAA). See Section 70912, the Build America, Buy America Act, the “Infrastructure Investment and Jobs Act” (IIJA; P.L. 117-58). Under that provision, BABAA applies where Federal funding supports an infrastructure project as defined in Section 70912 of BABAA. BABAA requires all of the iron and steel, manufactured products, and construction materials used in the project to be produced in the United States (“Build America, Buy America Requirements”) including iron and steel, manufactured products, and construction materials provided by the Contractor pursuant to this Agreement. The Contractor hereby represents and warrants to the New York State Education Department (a) the Contractor has reviewed and understands the Build America, Buy America Requirements, (b) all of the iron and steel, manufactured products, and construction materials used in the project will be and/or have been produced in the United States in a manner that complies with the Build America, Buy America Requirements, unless a waiver of the requirements is approved, and (c) the Contractor will provide any further verified information, certification or assurance of compliance with this paragraph, or information necessary to support a waiver of the Build America, Buy America Requirements, as may be requested by the New York State Education Department. Notwithstanding any other provision of this Agreement, any failure to comply with this paragraph by the Contractor shall permit the New York State Education Department to recover as damages against the Contractor any loss, expense, or cost (including without limitation attorney’s fees) incurred by the Funding Authority resulting from any such failure (including without limitation any impairment or loss of funding, whether in whole or in part, from the New York State Education Department or any damages owed to the New York State Education Department).

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**WORKFORCE INNOVATION AND OPPORTUNITY ACT (“WIOA”)  
ASSURANCES AND CERTIFICATIONS**

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**Supported Employment Assurances**

If applicable, the applicant/contractor may be required to acknowledge the following and/or provide the following information and assurances:

1. Funds made available for supported employment will only be used to provide supported employment services to individuals who are eligible to receive such services.
2. The comprehensive assessments of individuals with significant disabilities, including youth with the most significant disabilities, will include consideration of supported employment as an appropriate employment outcome.

3. An individualized plan for employment will be developed and updated in order to (a) specify the supported employment services to be provided, including, as appropriate, for youth with the most significant disabilities, transition services and pre-employment transition services; (b) specify the expected extended services needed, including the extended services that may be provided to youth with the most significant disabilities, in accordance with an approved individualized plan for employment, for a period not to exceed four years; and (c) identify, as appropriate, the source of extended services, which may include natural supports, or indicate that it is not possible to identify the source of extended services at the time the individualized plan for employment is developed.
4. The State will use funds provided under 29 U.S. Code Subchapter VI only to supplement, and not supplant, the funds provided under 29 U.S. Code Subchapter I, in providing supported employment services specified in the individualized plan for employment.
5. Services provided under an individualized plan for employment will be coordinated with services provided under other individualized plans established under other Federal or State programs.
6. To the extent jobs skills training is provided, the training will be provided on site.
7. Supported employment services will include placement in an integrated setting based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities.
8. The designated State agencies will expend not more than 2.5 percent of the allotment of the State under 29 U.S. Code Subchapter VI for administrative costs.
9. With respect to supported employment services provided to youth with the most significant disabilities, the designated State agency will provide, directly or indirectly through public or private entities, non-Federal contributions in an amount that is not less than 10 percent of the costs of carrying out such services.

**As the duly authorized representative of the applicant/contractor, I hereby certify that the applicant/contractor will comply with the above assurances and certifications. The applicant/contractor will provide immediate written notice to the NYSED Contract Administration Unit if, at any time, the applicant/contractor learns that its assurance or certification was erroneous when submitted or has become erroneous by reason of changed circumstances.**