

ADDENDUM #1

April 23, 2026

New York State Department of Health AIDS Institute

Questions and Answers for Request for Applications (RFA) Training Center of Expertise: Promoting Health Equity to Improve Community Health Outcomes Request for Applications (RFA)

The following are official additions, which are hereby incorporated into the Question and Answer Document for **RFA #20662/Internal Program #23-0018/SFS ID: HECO2025**

Applicants should review all documents in their entirety to ensure all amended language is incorporated into their applications.

The following additions are made to **the Question and Answer Document**.

Question 22: On Page 7, the need for CME as a part of the program is mentioned. Does AIDS Institute or NYS DOH provide aspect of the program or do we need a line item in our budget to account for CME/CEU costs?

Answer 22: The AIDS Institute does not provide Continuing Medical Education (CME) units. Applicants can include CMEs as line item in their proposed budget.

Question 23: Are there expected numbers of trainings to be created, target amounts products of different types (videos vs in-person training, reels, case studies, infographics, outreach material, etc.)?

Answer 23: Please refer to Section III. Project Narrative/Work Plan Outcomes, A. Program Model Description and **Attachment 2: Work Plan**. The Request for Applications provides short descriptions of different types of trainings that should be developed and offered by the funded applicant. The number of training courses or products is not specified in the Request for Applications, however there are targets outlined in the **Work Plan: Attachment 2**. The funded applicant will work closely with the AIDS Institute Office of Health Equity and Policy Initiatives to determine the appropriate number of training courses and products to reach the goals of this initiative.

Question 24: Is there guidance on the target duration of training activities?

Answer 24: The RFA does not specify the duration of each training. However, the trainings will be developed with consideration for best practices which can be found in **Attachment 3: Training Center Best Practices**.

Question 25: Is it expected that all developed trainings will be standalone or does the state wish to create series where attendees will need to have completed course A before registering for course B?

Answer 25: Each training will be customized for the audience and the subject matter. Please refer to **Attachment 2: Work Plan** for details on the topics that should be covered.

Question 26: How does the Department define systems transformation in practice over 5 years?

Answer 26: Over the five (5)-year funding period, capacity building programs will enable health and human services providers to increase their awareness of implicit bias and deliver services in an affirming manner to all patients/clients of all races, ethnicities, and primary languages thus transforming health delivery systems to advance health equity.

Question 27: What gaps is this RFA specifically trying to correct?

Answer 27: This RFA aims to address the disparity in available health equity education for health and human services providers.

Please refer to Section I. Introduction of the RFA which states that programs will have a specific focus on the health and behavioral health issues in communities disproportionately impacted by HIV, sexually transmitted infections (STI), chronic disease, adverse maternal and child health, COVID-19, and overdose.

Question 28: From your perspective, what outcomes would make the training center indispensable after year one?

Answer 28: Please refer to Section III. Project Narrative/Work Plan Outcomes, A. Program Model Description and B. Requirements for the Program of the RFA for expectations regarding the activities and scope of services of the Training Center of Expertise, as well as requirements for the resulting program. Applicants are expected to clearly describe their proposed program model and how they propose to meet the requirements of the RFA.

Question 29: To what extent is the training center expected to influence organizational practices, policies, and leadership behavior, not just individual knowledge and awareness?

Answer 29: Applicants are expected to describe how their organization proposes to build the capacity of health and human services providers to advance health equity in their practice, which may include how they propose to influence organizational practices, policies, and leadership. Please refer to Section III. Project Narrative/Work Plan Outcomes, A.-Program Model Description of the RFA for more detail on the intent and scope of the RFA.

Question 30A: Does the Department expect a physical training facility, or is the 'training center' primarily a virtual or networked model?

Question 30B: What are the expectations for in-person vs. virtual delivery, and how should we balance accessibility with depth of engagement?

Answer 30 A-B: Please refer to Section III. Project Narrative/Work Plan Outcomes, A. Program Model Description of the RFA; under the direction of the Department, AIDS Institute, this Training Center will: deliver formal training and capacity building sessions virtually and in-person. If applicable, Applicants should describe how their organization proposes to balance accessibility with depth of engagement.

Question 31: Which organizations are priority partners, and where do you anticipate the greatest resistance or opportunity for change?

Answer 31: Applicants are expected to identify priority partners for the program model proposed and explain how they will leverage these partnerships to meet the requirements of the RFA. Refer to the **Work Plan: Attachment 2, Objective 6** for more detail.

Question 32: What is the expected cadence of the training programs—continuous throughout the year, or in defined cycles or cohorts?

Answer 32: Please refer to Section III. Project Narrative/Work Plan Outcomes, B. Requirements

for the Program of the RFA and **Attachment 3: Training Center Best Practices**. The Training Center of Expertise, under the direction of the AIDS Institute, has the ability to adjust training cadence and cycles depending on the type of training and the intended audience.

Question 33A: Are there priority topics or focus areas that shift year to year, or should the training center maintain a consistent core curriculum with iterative updates?

Question 33B: Are there defined targets or expectations for scale—such as number of agencies engaged, staff trained, or regions covered—or is the emphasis on depth within a more focused set of partners?

Answer 33 A-B: Please refer to **Attachment 2: Training Center of Expertise Work Plan** which details the training and activities that should be offered yearly and over the course of the 5-year contract. **Attachment 2: Training Center of Expertise Work Plan** provides details and targets around expectations for the training/capacity building offered and organizations that should be engaged yearly and over the course of the 5-year contract.

Question 34: Could you please clarify for large entities with multiple locations, that share an SFS ID, if the limit of one (1) application is per campus or for the entire entity?

Answer 34: Yes, large entities that have multiple locations (campuses) that share an SFS ID are allowed to submit one (1) application per campus/location. Please be sure to use the address of the location for which you are applying when submitting your application in SFS. The name of the campus for the application must clearly be stated in the application. For more detail regarding number of applications that can be submitted/restrictions refer to Section I. Introduction, B. Available Funding of the RFA.

**New York State Department of Health
AIDS Institute
Office of Health Equity and Human Rights and Health Research, Inc. (HRI)**

Questions and Answers

**Training Center of Expertise: Promoting Health Equity to Improve
Community Health Outcomes Request for Applications (RFA)
RFA #20662/Internal Program #23-0018**

SFS ID: HECO2025

SFS Event Name: RFA #20662 - HE Training Center of Expertise

Questions below were received by the deadline announced in the Request for Applications. New York State Department of Health is not responsible for any errors or misinterpretation of any questions received.

The responses to questions included herein are the official responses by the State to questions posted by potential bidders and are hereby incorporated into the **RFA #20662**. In the event of any conflict between the Request for Applications and these responses, the requirements or information contained in these responses will prevail.

Application Submission In the Statewide Financial System (SFS)

Question 1: Where can I access the RFA?

Answer 1: This opportunity has been posted on the New York Statewide Financial System (SFS) website.

On-demand training focused on using the grants management features in SFS is available by logging in to the SFS Vendor Portal and clicking the SFS Coach icon available on the homepage.

Questions? Contact the SFS Technical Support Help Desk:
helpdesk@sfs.ny.gov | 1-877-737-4185 toll-free | 518-457-7737.

Question 2: How do I apply in SFS?

Answer 2: Please refer to Section IV. Administrative Requirements, E. How to File an Application in the Request for Applications.

Reference materials and videos are available for Applicants to funding opportunities on the New York Statewide Financial System. Please visit the Statewide Financial System website at the following web address: [SFS Public Portal Homepage](#) and click the "Search for Grant Opportunities" tile. There is also a more detailed "Statewide Financial System: Vendor User Guide" available in the documents section under Training & Guidance; For Grant Applicants located in SFS Coach. Training webinars are also provided by the Grants Management Team. Dates and times for webinar instruction can be located at the following web address: [Live Webinars | Grants Management \(ny.gov\)](#)

To submit an Application an Applicant must:

1. Log into the [Statewide Financial System Vendor Portal](#) .
2. Click the Grant Management Tile. Next, Click the Bid Event Search tile.
3. Enter the applicable search criteria in the Search Criteria Fields. Locate an opportunity; search by Funding Agency (DOH01) or enter the Grant Opportunity name into the Search by Grant Opportunity field: **RFA #20662 - HE Training Center of Expertise**. You can also filter search by Status such as “available” which filters to include only the bid events that are published and open for potential bid response.
4. Click on “Search” button to initiate the search.
5. Click on Event ID link to initiate a bid response.
6. Please review the Grantee User Manual found in SFS Coach for additional steps on how to respond to various types of Bid Events.

Additionally, you can search using the SFS ID in the Event ID field as follows: **HECOE2025**

You can filter search by Status such as “available” which filters to include only the bid events that are published and open for potential bid response.

4. Click on “Search” button to initiate the search.
5. Click on Event ID link to initiate a bid response.
6. Please review the Grantee User Manual found in SFS Coach for additional steps on how to respond to various types of Bid Events.

Question 3: What if I try to submit my application and it is past the due date/time of the RFA?

Answer 3: Please refer to Section IV. Administrative Requirements, E. How to File an Application in the Request for Applications.

Late applications will not be accepted.

Applications must be submitted online via the Statewide Financial System (SFS) by the date and time posted on the Cover Page of this Request for Applications under the heading “Key Dates”.

Once the Application is complete, a prospective Applicant is **strongly encouraged** to submit their Application at least 48 hours prior to the Application’s due date and time specified on the Cover Page of this Request for Applications. This will allow sufficient opportunity for the Applicant to obtain assistance and take corrective action should there be a technical issue with the submission process. **Failure to leave adequate time to address issues identified during this process may jeopardize an Applicant’s ability to submit their Application.**

Question 4: How does my agency become prequalified in the Statewide Financial System?

Answer 4: Please refer to Section IV. Administrative Requirements, N. Vendor Prequalification for Not-for-Profits in the Request for Applications.

An Application cannot be submitted/received from a not-for-profit Applicant that:

- (a) has not Registered in the New York State Statewide Financial System; or
- (b) has not Prequalified in the Statewide Financial System by the Application’s due date specified on the Cover Page of the Request for Applications.

The updated Prequalification Application and New York State Prequalification Manual for Grantees can be found on the Grants Management website at:

<https://grantsmanagement.ny.gov/get-prequalified>.

All potential Applicants are strongly encouraged to begin Statewide Financial System Registration and Prequalification process as soon as possible in order to participate in this opportunity.

Question 5: Can an agency apply if they are not prequalified?

Answer 5: Applicants *must* be prequalified in SFS (if not exempt) by the date and time applications are due.

Please refer to Section IV. Administrative Requirements, N. Vendor Prequalification for Not-for-Profits in the Request for Applications.

An Application cannot be submitted/received from a not-for-profit Applicant that:

- (a) has not Registered in the New York State Statewide Financial System; or
- (b) has not Prequalified in the Statewide Financial System by the Application's due date specified on the Cover Page of this Request for Applications.

The updated Prequalification Application and New York State Prequalification Manual for Grantees can be found on the Grants Management website at:

<https://grantsmanagement.ny.gov/get-prequalified>.

Question 6: What does the asterisk * mean in the SFS on-line application?

Answer 6: The asterisk* alerts applicants that a response is mandatory. Applicants will not be allowed to submit their application without completing all mandatory questions and uploading all mandatory attachments.

Application Format

Question 7: How do I submit my application in SFS?

Answer 7: Please refer to Section V. Completing the Application in the RFA for guidance.

Applicants are instructed to respond to each of the following statements and questions under "Program Specific Questions (PSQ)/Bid Factors." Your responses comprise your application. Number/letter your narrative to correspond to each statement and question in the order presented below. When responding to the statements and questions, be mindful that Application reviewers may not be familiar with your agency and its services. Your answers should be specific, succinct, and responsive to the statements and questions as outlined. Please be aware that the value assigned to each section described below indicates the relative weight that will be given to each section of your Application when scoring your Application.

An **Application Checklist (Attachment 17)** has been included to help ensure that submission requirements have been met. Applicants should refer to this Attachment before and after writing the application. In assembling your application, please follow the outline provided in the **Application Checklist: Attachment 17**.

The Application Narrative should not exceed twelve (12) double-spaced pages, using a 11-point Arial font with one-inch margins on all sides. Pages should be numbered consecutively. All Attachments

should be labeled with the Attachment name and corresponding attachment number. The twelve (12) page limitation is specific to the Application Narrative and does **not** include all required Attachments. Please submit only the requested information in the attachments and **do not add attachments or information that are not requested**. Any additional attachments or narrative exceeding the twelve (12) double-spaced page limitation will not be scored or considered by reviewers. **Failure to follow these guidelines will result in a deduction of up to ten (10) points.**

It is each Applicant's responsibility to ensure that all materials included in its Application have been properly prepared and submitted. Applications must be submitted via the Statewide Financial System by the Application deadline date and time specified on the Cover Page of this RFA.

IMPORTANT:

Please upload the full Application and all required Attachments as one (1) complete PDF document no larger than 20MB in response to Bid Factor Question 01.

Please ensure that uploaded files are not fillable PDFs or "secure" or "password protected" or your document will not upload properly.

Any material added to a Bid Factor "Add Comments" box in SFS will not be reviewed as part of a submitted application.

Applicants should use numbers, letters, and underscores when naming their uploaded files. There cannot be any special characters in the uploaded file name.

Question 8: What do I enter for the Work Plan Project Summary in SFS?

Answer 8: Please review the instructions given in the RFA for the Work Plan section (Section V. Completing the Application, A. Application Format/Content, 6. Work Plan).

For the Statewide Financial System (SFS) Work Plan Project Summary, applicants are instructed to insert the Project Summary as it is listed in the **Attachment 2 – Work Plan**. Any additional Project Summary entered in this area will not be considered or scored by reviewers of your application.

Question 9: When will announcement of grant awardees be made?

Answer 9: The estimated award announcement date is September 1, 2026.

Question 10: When do you anticipate that the contract will begin for the project funded under the RFA?

Answer 10: Please refer to Section IV. Administrative Requirements, G. Term of Contract in the Request for Applications.

It is anticipated contracts will have a start date of January 1, 2027.

Question 11: In the RFA, Section "K" Page 18, Minority & Woman-Owned Business Enterprise Requirements it states, "By submitting an Application, each Applicant and potential Grantee agrees to complete an M/WBE Utilization plan as directed in **Attachment 11** of this RFA." Kindly clarify whether the **M/WBE Utilization Plan - Attachment 11** is incorporated as a reference OR must be completed and submitted with the RFA application in order for the application to be considered complete.

Answer 11: The **M/WBE Utilization Plan - Attachment 11** must be completed and submitted with the Application for the Application to be considered complete. Instructions for completing **Attachment 11** can be found on the first page of the document.

Question 12: Should the M/WBE Utilization Plan be reflective of just the first-year budget or all five years? Will there be a possibility of applying for a waiver from the MBE and WBE requirements? Is this form required?

Answer 12: The **M/WBE Utilization Plan** (Form #1 of **Attachment 11**) should be based on the life of the contract, which is five (5) years. Eligible M/WBE expenditures include any subcontracted labor or services, equipment, materials, or any combined purchase of the foregoing under a contract awarded from this solicitation.

Please refer to the instructions on Attachment 11, Guide to New York State DOH M/WBE RFA NFP Required Forms, Form #2: M/WBE Utilization Waiver Request for instructions on applying for a waiver. If the M/WBE Utilization Plan is incomplete, and the applicant is selected for funding, the resulting award will be held pending completion of the required documentation. All Applicants must complete Form # 3 (Online Compliance System Payment Submission Confirmation), Form #4 (M/WBE Staffing Plan), and Form #5 (EEO and M/WBE Policy Statement) in addition to the forms noted above.

Question 13: What sources of funding support will support the contract funded from this RFA?

Answer 13: The contract resulting from this RFA will be funded by a combination of funding from New York State (NYS) and from Health Research, Inc. (HRI). Due to the different sources of funding, the funded applicant will receive one NYS contract and one HRI Contract. The HRI contract will be held to **Attachment 6 - Health Research Inc.'s Contracts General Terms and Conditions**.

The New York State funded contract will be held to the following terms and conditions:

https://grantsmanagement.ny.gov/system/files/documents/2025/01/mcg_tandc_january_2025.pdf. Attachments to the New York State contract can be found by following the instructions in Section VI. Attachments of the RFA for viewing the following attachments in SFS.

- Attachment A-1, Agency Specific terms and Conditions (**RFA Attachment 7**)
- Attachment A-2, Program Specific Terms and Conditions (**HIV/AIDS Clause Attachment 8**)
- Attachment E-1, AIDS Institute Policy on Personal Health Related Information (**RFA Attachment 9**)
- Attachment M, Participation by Minority Group Members and Women With Respect to State Contracts: Requirements and Procedures (**RFA Attachment 10**)

The NYS contract will be held to an additional NYS attachment, **A-3 Part A: Agency Specific Federal Terms and Conditions**, found at the end of this Question and Answer document.

Program

Question 14: We are not a not-for-profit. Is this a requirement that can be waived?

Answer 14: Minimum Eligibility Requirements cannot be waived. As stated in Section II. Who May Apply, A. Minimum Eligibility Requirements,

- Applicants must be a registered not-for-profit 501(c)(3) or tribal organization. Not-for-profit Applicants must be either a community-based organization, government organization, training organization, or academic institution.

Question 15: Would our organization be a strong fit for this opportunity as an organization that works directly with individuals and groups affected by chronic diseases? How can we apply?

Answer 15: Please refer to Section II. Who May Apply, A. Minimum Eligibility Requirements, to review the requirements to apply and Section III. Project Narrative/Work Plan Outcomes for more detail regarding the intent and scope of the RFA, as well as requirements for the resulting program. Instructions on how to submit an application can be found in Section IV. Administrative Requirements, E. How to File an Application and Section V. Completing the Application.

Question 16: Our organization doesn't do health care, HIV testing, treatment, and/or related direct services - how well can we advise medical providers given our somewhat limited experience?

Answer 16: It is up to each applicant to be able to clearly describe how they would provide guidance to health and human services providers. The funded applicant will be expected to meet the Program Requirements as shown in Section III. Project Narrative/Work Plan Outcomes, B. Requirements for the Program.

Question 17: How can we overcome the apparent gap in getting people tested for HIV, and how can we advise others to do that? And how can we advise on engaging "high risk" persons (injection drug users, MSMs, sex workers, among others) when they have not attended our programs (from what we can tell)?

Answer 17: Please refer to Section I. Introduction, A. Background/Intent. This section specifies that the purpose of this Training Center of Expertise is to build capacity to address the goals of the Ending the AIDS Epidemic strategies.

Question 18: Our organization serves mostly Native communities, how well could we advise organizations that support other diverse communities, such as Black/African American, Hispanic, Asian, immigrants, LGBTQ+, and more?

Answer 18: It is up to each applicant to be able to clearly describe how they would be able to advise organizations that serve diverse communities outside of their own. The funded applicant will be expected to meet the Program Requirements as shown in Section III. Project Narrative/Work Plan Outcomes, B. Requirements for the Program.

Question 19: Would experience be considered to replace the requirements for master's degrees?

Answer 19: Work Experience could not be substituted for the educational requirement for these positions. Please refer to Section III. Project Narrative/Work Plan Outcomes B. Requirements for the Program, 2. Program Staff.

- **Program Manager** – Master's degree and at least five (5) years of professional experience providing leadership to health, behavioral health, public health, and/or community-based organizations. This experience is expected to include programmatic and fiscal oversight responsibilities, with at least three (3) years of experience overseeing programs related to health equity.

- **Lead Trainer/Curriculum Developer** – Master’s degree or higher and at least three (3) years of professional training and curriculum development in the field of health equity. The Program Manager and Lead Trainer/Curriculum Developer may be the same person.

Question 20: The grant requires the development of shareable materials (e.g., infographics, presentation slides, fact sheets) - who will then have the ownership of created materials?

Answer 20: All work products and materials produced and developed under the New York State agreement are the sole and exclusive property of the Department of Health. Refer to **Attachment 8: A-2- Program Specific Terms and Conditions** New York State Department of Health, Sections B and D.

All work products and materials produced and developed under the HRI contract agreement are the sole and exclusive property of Health Research Inc. Refer to **Attachment 6: HRI General Terms and Conditions**, Section 12 Title.

Question 21: Would cultural competency be considered a training option?

Answer 21: Yes. Please refer to the [Health Care Organization Considerations in Support of Health Equity](#) document referenced in Section III.A. Program Model Description. Bullets 4, 12 and 13 of this document refer to elements of cultural competency.

ATTACHMENT A-3
FEDERALLY FUNDED GRANTS AND REQUIREMENTS MANDATED BY FEDERAL LAWS

PART A. AGENCY SPECIFIC FEDERAL TERMS AND CONDITIONS

A. **Federal Certifications:** This section shall be applicable to this AGREEMENT only if any of the funds made available to the CONTRACTOR under this AGREEMENT are federal funds.

1. Lobbying Certification (except as otherwise provided in Part B of this Attachment A-3)

- a) If the CONTRACTOR is a tax-exempt organization under Section 501 (c)(4) of the Internal Revenue Code, the CONTRACTOR certifies that it will not engage in lobbying activities of any kind regardless of how funded.
- b) The CONTRACTOR acknowledges that as a recipient of federal appropriated funds, it is subject to the limitations on the use of such funds to influence certain Federal contracting and financial transactions, as specified in Public Law 101-121, section 319, and codified in section 1352 of Title 31 of the United States Code. In accordance with P.L. 101-121, section 319, 31 U.S.C. 1352 and implementing regulations, the CONTRACTOR affirmatively acknowledges and represents that it is prohibited and shall refrain from using Federal funds received under this AGREEMENT for the purposes of lobbying; provided, however, that such prohibition does not apply in the case of a payment of reasonable compensation made to an officer or employee of the CONTRACTOR to the extent that the payment is for agency and legislative liaison activities not directly related to the awarding of any Federal contract, the making of any Federal grant or loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement. Nor does such prohibition prohibit any reasonable payment to a person in connection with, or any payment of reasonable compensation to an officer or employee of the CONTRACTOR if the payment is for professional or technical services rendered directly in the preparation, submission or negotiation of any bid, proposal, or application for a Federal contract, grant, loan, or cooperative agreement, or an extension, continuation, renewal, amendment, or modification thereof, or for meeting requirements imposed by or pursuant to law as a condition for receiving that Federal contract, grant, loan or cooperative agreement.
- c) This section shall be applicable to this AGREEMENT only if federal funds allotted exceed \$100,000.
 - (i) The CONTRACTOR certifies, to the best of his or her knowledge and belief, that:
 - No federal appropriated funds have been paid or will be paid, by or on behalf of the CONTRACTOR, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal loan, the entering into of any cooperative agreement, and the extension,

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continuation, renewal amendment or modification of any federal contract, grant, loan, or cooperative agreement.

- If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the CONTRACTOR shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.
- (ii) The CONTRACTOR shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
- (iii) The CONTRACTOR shall disclose specified information on any agreement with lobbyists whom the CONTRACTOR will pay with other Federal appropriated funds by completion and submission to the STATE of the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions. This form may be obtained by contacting either the Office of Management and Budget Fax Information Line at (202) 395-9068 or the Bureau of Contracts at (518) 474-7896. Completed forms should be submitted to the New York State Department of Health, Bureau of Contracts, Empire State Plaza, Corning Tower Building, Room 2756, Albany, 12237-0016.
- (iv) The CONTRACTOR shall file quarterly updates on the use of lobbyists if material changes occur, using the same standard disclosure form identified in (c) above to report such updated information.
- d) The reporting requirements enumerated in subsection (3) of this paragraph shall not apply to the CONTRACTOR with respect to:
- (i) Payments of reasonable compensation made to its regularly employed officers or employees;
 - (ii) A request for or receipt of a contract (other than a contract referred to in clause (c) below), grant, cooperative agreement, subcontract (other than a subcontract referred to in clause (c) below), or subgrant that does not exceed \$100,000; and
 - (iii) A request for or receipt of a loan, or a commitment providing for the United States to insure or guarantee a loan, that does not exceed \$150,000, including a contract or subcontract to carry out any purpose for which such a loan is made.

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2. Certification Regarding Environmental Tobacco Smoke:

Public Law 103-227, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, early childhood development services, education or library services to children under the age of 18, if the services are funded by federal programs either directly or through State or local governments, by federal grant, contract, loan, or loan guarantee. The law also applies to children's services that are provided in indoor facilities that are constructed, operated, or maintained with such federal funds. The law does not apply to children's services provided in private residences; portions of facilities used for inpatient drug or alcohol treatment; service providers whose sole source of applicable federal funds is Medicare or Medicaid; or facilities where WIC coupons are redeemed. Failure to comply with the provisions of the law may result in the imposition of a monetary penalty of up to \$1000 for each violation and/or the imposition of an administrative compliance order on the responsible entity.

By signing this AGREEMENT, the CONTRACTOR certifies that it will comply with the requirements of the Act and will not allow smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act. The CONTRACTOR agrees that it will require that the language of this certification be included in any subawards which contain provisions for children's services and that all subrecipients shall certify accordingly.

3. Certification Regarding Debarment and Suspension:

Regulations of the Department of Health and Human Services, located at Part 376 of Title 2 of the Code of Federal Regulations (CFR), implement Executive Orders 12549 and 12689 concerning debarment and suspension of participants in federal programs and activities. Executive Order 12549 provides that, to the extent permitted by law, Executive Departments and agencies shall participate in a government-wide system for non-procurement debarment and suspension. Executive Order 12689 extends the debarment and suspension policy to procurement activities of the federal government. A person who is debarred or suspended by a federal agency is excluded from federal financial and non-financial assistance and benefits under federal programs and activities, both directly (primary covered transaction) and indirectly (lower tier covered transactions). Debarment or suspension by one federal agency has government-wide effect.

Pursuant to the above-cited regulations, the DEPARTMENT (as a participant in a primary covered transaction) may not knowingly do business with a person who is debarred, suspended, proposed for debarment, or subject to other government-wide exclusion (including any exclusion from Medicare and State health care program participation on or after August 25, 1995), and the DEPARTMENT must require its prospective CONTRACTORS, as prospective lower tier participants, to provide the certification as set forth below:

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By signing this Contract or submitting a proposal pursuant to a solicitation issued by the Department, the prospective lower tier participant is providing the certification set out below:

- a) The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to the other remedies available to the Federal Government, New York State or the DEPARTMENT may pursue available remedies, including suspension and/or debarment.
- b) The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
- c) The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered Transaction, principal, proposal, and voluntarily excluded, as used in this Section, are defined in 2 CFR Part 180, as supplemented by 2 CFR Part 376.
- d) The prospective lower tier participant agrees by signing this contract or submitting a proposal pursuant to a solicitation issued by the DEPARTMENT that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 2 CFR Part 180, as supplemented by 2 CFR Part 376, or 48 CFR Part 9, Subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the DEPARTMENT.
- e) The prospective lower tier participant further agrees by signing this contract or proposal that it will include this clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction,” without modification, in all lower tier covered transactions.
- f) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 2 CFR Part 180, as supplemented by 2 CFR Part 376, or 48 CFR Part 9, Subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. The DEPARTMENT strongly encourages each participant to check the List of parties Excluded from Federal Procurement and Non-procurement Programs in the System for Award Management.
- g) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this Section.
- h) Except for transactions authorized under paragraph (d) of this certification, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 2 CFR Part 180 or 48 CFR Part 9,

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Subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the New York State or the DEPARTMENT may pursue available remedies, including suspension and/or debarment.

- i) Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions
- j) The prospective lower tier participant certifies, by signing this contract or submitting a proposal to the Department, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily exclude from participation in this transaction by any federal agency.
- k) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

B. Administrative Rules and Audits:

1. If this contract is funded in whole or in part from federal funds, the CONTRACTOR shall comply with the federal grant requirements regarding administration and allowable costs:
 - a) For local and Indian tribal governments, non-profit organizations; and educational institutions, use the administrative requirements and cost principles (Subparts A through E) in Office of Management and Budget (OMB), Title 2 Code of Federal Regulations (CFR), Chapter I, Chapter II, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards.
 - b) Exceptions: Pursuant to 2 CFR Part 200 Appendix IX, for a hospital, use the cost principles in Department of Health and Human Services, 45 CFR Part 74, Appendix E, "Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals". For hospital administrative requirements, use OMB, 2 CFR, Chapter I, Chapter II, Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

For fixed amount awards, cost principles (Subpart E) do not apply.

2. If this contract is funded entirely from STATE funds, and if there are no specific administration and allowable costs requirements applicable, CONTRACTOR shall adhere to the applicable principles in “1” above.
3. The CONTRACTOR shall comply with the following grant requirements regarding audits.
 - a) If the Contract is funded from federal awards, and the CONTRACTOR expends \$1,000,000 or more (as such threshold amount may be updated and revised from time to time in accordance with the Federal regulations at 2 CFR Part 200) in Federal awards during CONTRACTOR’s fiscal year, CONTRACTOR must have a single or program-specific audit conducted for that fiscal year in accordance with the provisions of 2 CFR

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Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards), and submitted in accordance with Subpart F of 2 CFR Part 200.

- i. The CONTRACTOR must have a single audit conducted in accordance with 2 CFR Part 200, Section 200.514 unless it is eligible and elects to have a program-specific audit conducted in accordance with the following clause ii.
 - ii. The CONTRACTOR may elect to have a program-specific audit conducted in accordance with 2 CFR Part 200, Section 200.507 IF the following two conditions are satisfied:
 - A. CONTRACTOR expends Federal awards under only one Federal program, including research and development, during the fiscal year; **and**
 - B. The Federal statutes or regulations applicable to, or the terms and conditions of, the Federal award do not require a financial statement audit of the CONTRACTOR.
 - b) If this contract is funded from other than federal awards or if the contract is funded from a combination of STATE and federal awards but federal awards are less than \$1,000,000 (as such threshold amount may be updated and revised from time to time in accordance with the Federal regulations at 2 CFR Part 200), and if the CONTRACTOR expends \$1,000,000 or more in total annual payments from the STATE, the CONTRACTOR shall submit to the STATE after the end of the CONTRACTOR's fiscal year an audit report. The audit report shall be submitted to the STATE within thirty days after its completion but no later than nine months after the end of the audit period. The audit report shall summarize the business and financial transactions of the CONTRACTOR. The report shall be prepared and certified by an independent accounting firm or other accounting entity, which is demonstrably independent of the administration of the program being audited. Audits performed of the CONTRACTOR's records shall be conducted in accordance with Government Auditing Standards issued by the Comptroller General of the United States covering financial audits. This audit requirement may be met through entity-wide audits, coincident with the CONTRACTOR's fiscal year, as described in OMB, 2 CFR, Chapter I, Chapter II, Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Reports, disclosures, comments and opinions required under these publications should be so noted in the audit report.
4. For audit reports that are not received by the dates due, the following steps shall be taken:
- a) If the audit report is one or more days late, voucher payments shall be held until a compliant audit report is received.
 - b) If the audit report is 180 days or more late, the STATE shall terminate all active contracts, prohibit renewal of those contracts and prohibit the execution of future contracts until all outstanding compliant audit reports have been submitted.

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PART B. PROGRAM SPECIFIC FEDERAL TERMS AND CONDITIONS

Attachment A-3 Part B intentionally omitted.