

## MEMORANDUM

TO: LeadingAge New York

FROM: Hinman Straub, P.C.

RE: RFA# 18239 – Assisted Living Program Expansion Initiative

DATE: August 28, 2019

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On August 19, 2019, the Department of Health (DOH) posted a Request for Applications (RFA) for the procurement of Assisted Living Program (ALP) beds and capital project grant funds titled the “Assisted Living Program Expansion Initiative.” The RFA is broken down into two components. Component A awards 500 ALP beds to eligible applicants in counties where there is no more than one (1) ALP provider and 500 additional beds in counties where the current ALP occupancy, as determined by DOH, exceeds 85% occupancy. Any beds not awarded to counties with no more than one ALP will be available to other applicants. Component B awards eligible applicants grant funding for ALP Capital Projects. Capital Projects include, but are not limited to, activities intended to: (a) create financially sustainable systems of resident care; (b) preserve or extend essential health care services to residents of the ALP; (c) modernize obsolete facility infrastructure; (d) foster participation in alternative payment arrangements such as contracts with managed care plans. None of the \$20 million in Component B grant funding is available to fund operational start-up expenses or to support general day-to-day operating costs.

ALP beds and funding for Capital Projects are awarded on a comparative basis, based on the criteria listed in PHL 2825-F, Chapter 54 of the Laws of 2018 and SSL-461-l(i)(ii). Applicants may submit no more than three (3) applications in response to each Component of the RFA. Applicants have no right to appeal the final decision by the Commissioner of Health to award, not award, or grant funding at a level that is less than the amount requested.

A copy of the RFA is [attached](#). Applications are due November 14, 2019 by 4:00 p.m. All applications must be completed and submitted through the New York State Grants Gateway Portal, which is available at the following link: <http://grantsreform.ny.gov/>. All questions regarding the RFA must be submitted by September 13, 2019 by email to [ALPinitiative@health.ny.gov](mailto:ALPinitiative@health.ny.gov) or by letter to Nancy Nowakowski, and are scheduled to be answered by October 8, 2019. The RFA anticipates that awards will be made by February 3, 2020.

This memorandum highlights some of the important requirements contained in the RFA.

## 1. Eligible Counties

The table below is included in the RFA, and shows counties that had less than two (2) licensed ALPs as of March 31, 2019, and are, thus, eligible for the RFA.

| County       | # Licensed ALPs | # ALP Projects in Queue | # ALP Beds in Queue |
|--------------|-----------------|-------------------------|---------------------|
| Albany       | 1               | 0                       | 0                   |
| Allegany     | 0               | 0                       | 0                   |
| Cayuga       | 1               | 0                       | 0                   |
| Chemung      | 1               | 0                       | 0                   |
| Chenango     | 0               | 0                       | 0                   |
| Clinton      | 1               | 0                       | 0                   |
| Cortland     | 0               | 0                       | 0                   |
| Delaware     | 1               | 0                       | 0                   |
| Essex        | 1               | 0                       | 0                   |
| Franklin     | 1               | 0                       | 0                   |
| Fulton       | 1               | 0                       | 0                   |
| Genesee      | 1               | 0                       | 0                   |
| Hamilton     | 0               | 0                       | 0                   |
| Herkimer     | 1               | 1                       | 20                  |
| Lewis        | 0               | 0                       | 0                   |
| Livingston   | 0               | 0                       | 0                   |
| Madison      | 0               | 0                       | 0                   |
| Ontario      | 1               | 0                       | 0                   |
| Orleans      | 0               | 0                       | 0                   |
| Putnam       | 1               | 0                       | 0                   |
| St. Lawrence | 1               | 0                       | 0                   |
| Saratoga     | 0               | 1                       | 14                  |
| Schoharie    | 1               | 0                       | 0                   |
| Schuyler     | 1               | 0                       | 0                   |
| Seneca       | 0               | 0                       | 0                   |
| Steuben      | 0               | 0                       | 0                   |
| Sullivan     | 0               | 0                       | 0                   |
| Tioga        | 1               | 0                       | 0                   |
| Tompkins     | 0               | 0                       | 0                   |
| Warren       | 1               | 0                       | 0                   |
| Wayne        | 1               | 0                       | 0                   |
| Wyoming      | 0               | 0                       | 0                   |
| Yates        | 0               | 0                       | 0                   |

The table below is included in the RFA, and shows counties with greater than 85% occupancy based upon 2018 census data, and are, thus, eligible for the RFA.

| County      | Current ALP Occupancy Rate <sup>2</sup> | # ALP Projects in Queue | # ALP Beds in Queue |
|-------------|---|-------------------------|---------------------|
| Broome      | 85%                                     | 0                       | 0                   |
| Cattaraugus | 97%                                     | 2                       | 168                 |
| Jefferson   | 90%                                     | 0                       | 0                   |
| Nassau      | 90%                                     | 3                       | 105                 |
| New York    | 95%                                     | 0                       | 0                   |
| Onondaga    | 85.2%                                   | 0                       | 0                   |
| Oswego      | 98%                                     | 0                       | 0                   |
| Queens      | 89%                                     | 7                       | 856                 |
| Rensselaer  | 90%                                     | 1                       | 86                  |
| Ulster      | 86%                                     | 1                       | 34                  |

Based on information available in the public domain, it is unclear why some counties are not included in the two tables. Hinman will be submitting questions to the Department, which include an inquiry on excluded counties.

## 2. Eligibility and Application Restrictions

To be eligible to receive an award for ALP beds under the RFA, Applicants must be:

- A legally existing organization;
- Prequalified in the New York Grants Gateway, if not exempt<sup>1</sup>;
- An Adult Home or Enriched Housing Program **or** be eligible to do business with New York State (must be enrolled in the NYS vendor file and obtain a vendor id number) and apply to deliver ALP services;
- Located in an eligible county;
- At the time of application submission, in substantial compliance with DOH applicable standards including reporting and enforcement obligations, if currently licensed as an Adult Home (AH) or Enriched Housing Program (EHP);
- Able to provide documentation to demonstrate financial feasibility; and
- Compliant with Home and Community Based Settings (HCBS) standards.

The RFA, which will be evaluated on a comparative basis, places the following limitations on all eligible applicants:

- Requests may not exceed 50 beds or 50% of the facility's certified bed capacity, whichever is less;
- Eligible Applicants may submit no more than three (3) applications for each Component of this RFA;

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<sup>1</sup> Only Not for Profit Applicants require pre-qualification

- If submitting more than one application for Component B, applicants must prioritize their applications by ranking them 1-3 (this does not apply to Component A);

The RFA seems to suggest that current ALP operators are not eligible to apply for additional beds at their existing ALP. Also the limitation on request to 50 beds or 50% of the facility's certified capacity may have unintended consequences, especially in rural areas. Hinman will be submitting question to the DOH on both of these criteria.

### **3. Component A Application Overview – ALP Beds**

Applicants seeking an award for ALP beds must submit an application that largely mimics the ACF common application, with some additional required information. The submission of the following information is required:

- Schedule 1-General Information, including a more robust project description requirement compared to the ACF common application, including information related to community engagement and involvement of certain stakeholders in accessing the need for the project;
- Schedule 2- Personal Qualifying Information, which must additionally identify whether the applicant has receive an ALP award in the past whether or not the ALP is operational;
- Schedule 3- Legal Information;
- Schedule 4- Financial Information, including a copy of the prior three years annual audited financial statements and any other evidence of financial stability. Entities whose may be unable to meet this requirement may include other information to demonstrate financial feasibility;
- Schedule 5A- Architectural Information- No Schedule 5B, Architectural Certification is required as a part of this RFA; and
- Demonstration of HCBS compliance.

Hinman will be submitted questions regarding the Department's expectations for HCBS compliance, for which many operators find current guidance unclear.

### **4. Component B Application Overview – Capital Funding**

To receive funding under Component B, the Eligible Applicant must be awarded ALP beds under Component A. A separate application must be submitted to receive such capital funding. Applications seeking to establish beds in counties with fewer than two ALPs will receive priority in the Component B application over those seeking to establish ALP beds in counties with occupancy exceeding 85%.

#### **A. Eligible Expenditures**

The Department has provided examples of items that are eligible and ineligible for grant funding under Component B:

- Eligible Expenditures
  - Planning of the acquisition construction, demolition, replacement, major repair or renovation of a fixed asset, and the preparation and review of plans including engineering and other services;
  - Construction costs;

- Renovation costs;
  - Asset acquisition; and
  - Equipment costs.
- Ineligible Expenditures
    - Utilities;
    - Lease Payments;
    - Payment of long-term debt;
    - Equipment with a useful life of less than three (3) years;
    - Training and maintenance costs related to IT projects;
    - Employee salaries and benefits; and
    - Other day to day operational costs.

Applicants seeking grant funding for capital projects are expected to provide a justification for all expenditures requested and indicate how each specific expenditure relates to an Applicant's project. Expenditures that are not sufficiently described, justified, or related to the eligible project will be excluded from the amount considered for an Applicant's grant request.

## **B. Budget and Workplan**

An eligible applicant must provide for the following in the application:

- The total cost, including the grant funding requested, any other sources of alternate funding necessary or available to fully fund the eligible project, and how the requested funding is necessary for implementation of plan;
- A detailed narrative of all financial projections, including financial impact on the Applicant and the assumptions made for revenues, expenses, etc.;
- Disclosure of the percentage of capital pledged to the project by the Applicant and the percentage funded through personal equity and third party financing;
- A detailed capital based budget, sufficiently detailing each expense; and
- An online workplan.

## **C. Participation Requirements and Limitations on Expenses and Compensation**

For the purposes of this RFA, Applicants must submit a MWBE (minority and woman owned business enterprise) utilization plan to promote opportunities for MWBEs to participate in Component B of this RFA as sub-contractors, suppliers, or employees in the performance of awarded capital projects. This RFA sets participation goals for minority and women owned enterprises in the performance of Capital Projects at 15% each.

Additionally, Applicants must submit a SDVOB (service disabled veteran owned business) utilization plan to promote opportunities for SDVOBs to participate in Component B of this RFA as sub-contractors, suppliers, or as employees in the performance of awarded capital project. This RFA sets participation goals for SDVOBs in for the performance of Capital Projects at 2%. Applicants must document a good faith effort, as defined by applicable law, to provide meaningful participation by MWBE and SDVOBs as sub-contractors, suppliers, employees in the performance of Component B of this RFA. If an applicant, after making good faith efforts, is unable to comply with SDVOB goals, a waiver requested should be submitted.

Finally, Applicants agree that all state funds dispersed under this procurement will, if applicable, be bound by 10 NYCRR § 1002 and Executive Order #38, regarding Limits on Administrative Expenses and Executive Compensation.

#### **4. Evaluation Criteria**

The Department will consider the following criteria, listed on page 27 of the RFA, in making award determinations:

- The extent to which the eligible project contributes to integration or preservation of health care services in the community;
- Consideration of geographic distribution of beds and the complement of beds sought;
- The compliance history of the Applicant and requisite experience in operating health care programs in New York;
- The relationship between the eligible project and an identified need;
- The extent to which the eligible project has access to alternative funding;
- The extent to which the eligible project dedicates awarded beds to Medicaid enrollees and benefits other low-income individuals;
- The extent to which the Applicant has engaged the community and the manner to which community engagement shaped the eligible project
- The extent to which the eligible project demonstrates understanding and ability to comply with HCBS final rule; and
- The extent to which the eligible project demonstrates an ability to enter into an agreement with an existing managed care entity and execute collaborative agreements within 24 months of the award. Presently, ALPs are not carved-in to the managed long term care benefits, and thus, Hinman will include in its questions to the Department a query as to how to address this requirement in the applications.

#### **5. FOIL Considerations**

The RFA makes clear that all application may be disclosed or used by the Department to the extent permitted by law and may be disclosed as state agency records, which are available to the public in accordance with the Freedom of Information Laws (FOIL). Applicants should mark as confidential any document or portion of documents that are protected from disclosure as an exception to FOIL, in accordance with the directions in the RFA.

The RFA requests, but does not require, that interested applicants submit a letter of interest through the Grants Gateway by September 13, 2019, which should conform with the template available in the application. Applicants also must email the letter of interest to [ALPinitiative@health.ny.gov](mailto:ALPinitiative@health.ny.gov). If you have any questions on this memorandum, or wish to discuss filing an application, please contact Lori Sievers at 518-436-0751 or [lsievers@hinmanstraub.com](mailto:lsievers@hinmanstraub.com)

**RFA # 18239**  
**Grants Gateway #s:**  
**DOH01-ALPEIA-2020 (Component A)**  
**DOH01-ALPEIB-2020 (Component B)**

New York State Department of Health  
Office of Primary Care and Health Systems Management

**Request for Applications**

**Assisted Living Program Expansion Initiative**

*Component A: ALP Beds*  
*Component B: ALP Capital Projects*

**This is a procurement which encompasses two (2) components.  
In order to apply, eligible applicants must submit a separate application  
via the New York State Grants Gateway.**

**Applicants may submit no more than three (3) applications in response to each Component of  
this RFA.**

**KEY DATES:**

|   |  |
|---|--|
| <b>Release Date:</b>  | <b>August 19, 2019</b>   |
| <b>Letter of Interest Due:</b>                                  | <b>September 13, 2019</b>  |
| <b>Questions Due:</b>   | <b>September 13, 2019</b>  |
| <b>Questions, Answers and<br/>Updates Posted (on or about):</b> | <b>October 8, 2019</b>   |
| <b>Applications Due:</b>  | <b>November 14, 2019 by 4:00PM</b>   |
| <b>Estimated Contract Start Date:</b>                           | <b>February 3, 2020</b>  |
| <b>DOH Contact Name &amp; Address:</b>                          | Nancy Nowakowski, Director<br>Bureau of ACF Licensure & Certification<br>Division of Adult Care Facilities & Assisted Living<br>Surveillance<br>NYS Department of Health<br>Center for Health Care Provider Services & Oversight<br>875 Central Avenue<br>Albany, NY 12206<br><a href="mailto:ALPinitiative@health.ny.gov">ALPinitiative@health.ny.gov</a> |

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# I. Introduction

The New York State Department of Health (the Department) is issuing this Request for Applications (RFA) to award up to 1,000 Assisted Living Program (ALP) beds, to allow for the application for ALP beds by eligible entities across New York State who are new to the delivery of adult home or enriched housing program services and to currently licensed adult homes or enriched housing programs new to the delivery of ALP services. This initiative is made available under Section 461-l(l) of the Social Services Law (SSL), authorizing the addition of up to 1,000 Assisted Living Program (ALP) beds in those counties where there is currently no more than one ALP provider and/or where the county's current ALP capacity exceeds 85.0%.

In addition, the Department announces the availability of funds as established pursuant to Section 2825-f of the Public Health Law (PHL), Chapter 54 of the Laws of 2018, and Section 1680-r of the Public Authorities Law (PAL), to provide grants in support of capital projects directly related to the establishment of an Adult Home (AH) or Enriched Housing Program (EHP) with an Assisted Living Program (ALP) or to increase the number of available ALP beds located in an existing facility within specific counties.

## A. ALP Licensure (Component A)

The ALP service package includes personal care services, home health aide services, personal emergency response services, nursing services, physical therapy, occupational therapy, speech therapy, medical supplies and equipment not requiring prior approval and adult day health care provided in a program approved by the Department of Health. ALP Operators are required to provide sufficient numbers of qualified staff to perform case management functions for ALP participants and to ensure their overall health, safety and well-being.

The ALP provides supportive housing and home care services to individuals who are medically eligible for placement in a nursing facility, but whose needs can be met in a less restrictive and lower cost, community-based residential setting. Eligible ALP participants do not require continual nursing care and are neither chronically bedfast nor impaired to the degree that they endanger the safety of themselves or other residents. ALP licensure allows the provision of comprehensive, person-centered services for participants consistent with an individualized clinical assessment and corresponding person-centered care plan, developed to carefully reflect the individual's desired level of personal autonomy, community integration and freedom to make informed choices.

## B. ALP Capital Projects (Component B)

ALP Capital Projects include, but are not limited to, activities intended to:

- (a) Create financially sustainable systems of resident care;
- (b) preserve or expand essential health care services to residents of the ALP;
- (c) modernize obsolete facility physical plant and infrastructure; or
- (d) foster participation in alternative payment arrangements including, but not limited to, contracts with managed care plans and accountable care organizations.

Funding will not be awarded to support general day-to-day operating costs nor related to the start-up expenses of the Eligible Project. Subdivision 4 of Section 2825-f of the PHL authorized funding for \$20,000,000 to be awarded to eligible applicants proposing to operate an ALP.

***“Notwithstanding any inconsistent subdivision of this section or any other provision of law to the contrary, the commissioner, with the approval of the director of the budget, may expend up to twenty million dollars of the funds appropriated for this program pursuant to subdivision three of this section, not including funds dedicated for community-based health care providers under***

***paragraph (a) of such subdivision or for residential health care facilities under paragraph (b) of such subdivision, for awards made pursuant to paragraph (l) of subdivision three of section four hundred sixty-one-l of the social services law, provided that funding shall be prioritized for awards made pursuant to subparagraph (i) of such paragraph, with remaining funding available for awards made pursuant to subparagraphs (ii) and (iii) of such paragraph.”***

Applicants are hereby advised that, in accordance with Public Health Law 2825-f, Chapter 54 of the Laws of 2018, and criteria set forth in Social Services Law 461-l(i)(ii), awards made under this RFA are determined on a comparative basis. Funding will be awarded for purposes described in this RFA. Without limitation to this authorization, the Commissioner of Health may consult with any internal or external experts or local health care constituents, as appropriate, at any time in the evaluation of applications received pursuant to this RFA. The decision to award, or not to award, a grant at a funding level that is less than the amount requested by the applicant cannot be appealed.

As these awards are comparative, there is no right of appeal and the decision of the Commissioner of Health is final. Accordingly, applicants are advised to put forth their best efforts in thoroughly completing and fulfilling all of the requirements of the RFA. While the award is discretionary, the criteria listed in PHL §2825-f, Chapter 54 of the Laws of 2018 and SSL §461-l(i)(ii) will be utilized in award determination.

The decision not to fund an application or award ALP beds will be communicated via letter. Based on the number of applicants, the Department shall have the sole discretion whether or not to provide an opportunity for non-successful applicants to request a debriefing to be conducted after the announcement of awards. Comparisons with other grant applications or ALP proposals will not be made during a debriefing.

The Department's determination of applicable terms and conditions of award or a denial of a request to change the terms and conditions is discretionary and neither subject to debriefing nor appeal.

## **II. Who May Apply**

### **A. Minimum Eligibility Requirements**

The minimum eligibility requirements for entities responding to this RFA have been established in accordance with PHL §2825-f and SSL §461-l(i)(ii).

Each “Eligible Applicant” must meet all the following criteria to be eligible to receive ALP beds under this RFA:

1. Be a legally existing organization and capable of entering into a binding Master Grant Contract (MGC) with the Department;
2. Be an adult home or enriched housing program licensed under title two of Article 7 of the Social Services Law (SSL) in an eligible county, or be eligible to conduct business in NYS and apply to deliver Assisted Living Program (ALP) services in an eligible county;
3. At the time the application is submitted, and at all times thereafter, applicants MUST be prequalified, if not exempt, in the New York State Grants Gateway. Please refer to Section IV. Vendor Prequalification for Not-for-Profits for details on the steps that must be completed to meet registration and prequalification requirements;
4. If the Eligible Applicant is currently licensed as an adult home or enriched housing program, the applicant must, at the time of application submission, be in substantial compliance with all applicable standards, including enforcement and reporting obligations;

5. The Eligible Applicant must upload documentation to demonstrate financial feasibility;

Each “Eligible Project” must meet all of the following criteria to be eligible to receive ALP beds under this RFA:

6. The required schedules of the Adult Care Facility Common Application must be uploaded for each Eligible Project;
7. The number of requested ALP beds for the Eligible Project must not exceed 50% of the facility’s certified/proposed certified bed capacity, or 50 beds, whichever is less; and
8. The location of the proposed Assisted Living Program expansion must be in an eligible county with less than two ALP providers or an eligible county with an ALP occupancy rate of 85% or greater.

### **C. Requirements to Obtain or Possess Dual Licenses**

ALPs are required to hold dual licenses/certifications as a:

- Licensed Adult Home (AH) or Enriched Housing Program (EHP);  
**and One of the Following:**
- Licensed Home Care Services Agency (LHCSA), or
- Certified Home Health Agency (CHHA), or
- Long Term Home Health Care Program (LTHHCP).

Awardees may be one entity with dual licenses/certifications, or two or more entities with identical ownership that, in combination, are approved to operate both the ALP and the LHCSA, CHHA, or the LTHHCP.

If the ALP is licensed as a LHCSA, it must contract with a CHHA for the provision of skilled services (nursing, therapies) to ALP residents.

In summary, an eligible applicant will either hold the required certificates as an AH or EHP and LHCSA, CHHA or LTHHCP, have an appropriate application in process with the Department, or submit an application for the required licensure/certification as part of the application process to implement the awarded ALP beds. Awardees must hold the required LHCSA, CHHA, or LTHHCP license prior to the Department’s final approval of an ALP licensure application. For purposes of this RFA, transfer of an award for ALP beds is expressly prohibited. Beds awarded that are unable to be made operational will be placed back into the pool of beds for future ALP opportunities.

### **D. Compliance with the Home and Community Based Settings Final Rule**

On January 16, 2014, the Centers for Medicare and Medicaid Services (CMS) published its final rule related to Home and Community Based Settings (HCBS) for Medicaid-funded long-term care and supports in non-institutional residential settings. The intent of the HCBS Final Rule is to maximize the opportunity for individuals to access the benefits of community living and receive services in the most integrated setting. Accordingly, it is the State’s expectation that all settings in which individuals receiving Medicaid-funded HCBS are assured:

- The individual rights of privacy, dignity, respect, and freedom from coercion and restraint;
- Optimized individual initiative, autonomy, and independence in making life choices;
- Individualized choices regarding services and supports, and who provides them; and,
- Integration in and supported access to the greater community.

Further, the HCBS Final Rule requires residential settings where individuals receive Medicaid-funded HCBS to:

- Provide opportunities for residents to seek employment and work in competitive integrated settings, engage in the community, and control personal resources;
- Ensure the individual may receive services in the community to the same degree of access as individuals not receiving Medicaid-funded HCBS;
- Effectuate person-centered policies in consideration of service plan options based on the individual's goals, needs and preferences;
- Ensure that each individual has privacy in their sleeping or living unit;
- Have units with lockable entrance doors, with the individual and appropriate staff having keys to doors as needed;
- Support residents sharing units with the right to have choice of roommates;
- Allow residents the freedom to furnish and decorate their sleeping or living units;
- Promote a resident's right to have freedom and support to control their schedules and activities and have access to food at any time;
- Allow residents to have visitors at any time; and
- Support physical accessibility in all common areas.

Additionally, each ALP must have an executed, Department-approved admission agreement and ALP addendum which details the conditions of residency, resident rights and responsibilities, facility rules, and due process rights afforded to the resident upon receipt of a termination notice from the Operator. Protections from eviction for reasons other than changes in condition that render the ALP an unsuitable or unsafe placement should be comparable to those afforded to residents under the landlord/tenant law in the jurisdiction in which the ALP is located.

An ALP that is on the grounds of a private or public institution or located adjacent to public institutions is presumed institutional by the federal government. In this instance, the Department must submit evidence, including stakeholder/public input, to demonstrate upon demand, to the Secretary of Health and Human Services' satisfaction that each affected ALP comports with all of the qualities and characteristics of a fully-integrated setting in order not to jeopardize the ALP's ongoing participation as a Medicaid provider.

## **E. Legal Entity Requirements**

ALP beds will only be awarded to those applicants that operate as a not-for-profit corporation, a non-publicly traded business corporation or limited liability company, a public agency, a sole proprietor, or group of individuals acting as partners.

The legal entity applying for approval to provide the residential program services must be identical to the legal entity applying for approval to provide the home care services. For example, if a license to operate an adult home or enriched housing program is issued to a partnership that wants to operate an ALP, only that identical partnership may be issued or hold the license to operate the LHCSA, CHHA, or LTHHCP component of the ALP. For purposes of this RFA, transfer of an award for ALP beds is expressly prohibited. Beds awarded that are unable to be made operational, will be placed back into the pool of beds for future ALP opportunities.

### III. Project Narrative/Workplan

A total of up to \$20,000,000 is available to fund awards made under Component B of this RFA. Multiple awards may be made, and an Eligible Applicant may choose to submit a single application or up to three applications on behalf of the legal entity. Capital funding will be prioritized for awards made pursuant to SSL§461-l(i), with remaining funding available for awards made pursuant to SSL§461-l(ii).

Separate applications must be submitted in the Grants Gateway for ALP beds (non-capital projects) even if they are part of the same overall purpose for which a separate application for a capital project(s) is being submitted.

If an Eligible Applicant submits more than one application for funding under each Component of this RFA, the Eligible Applicant must assign a priority to each application where indicated in the application, with "1" being the highest priority and "3" being the lowest priority.

For submissions under Component B, the Department will review applications to determine the appropriate level of public investment needed for the Eligible Project, and the final amount of each Eligible Applicant's total award will be determined based upon the criteria set forth in this section, Letter D. and RFA Section V., C. Review and Award Process.

To receive funding under Component B, the Eligible Applicant must be awarded ALP beds under Component A.

All Eligible Applicants must address each of the following:

- (a) Steps to be taken to promote an integrated, person-centered model of health care delivery or to create a financially sustainable system of care or to preserve or expand the ongoing availability of essential health and residential services to the people of the community or communities served by the Eligible Applicant.
- (b) Their ability to comply with home and community-based settings requirements; dedicate awarded beds to serve only individuals in receipt of medical assistance (i.e., Medicaid) benefits; develop and execute collaborative agreements within 24 months of application between at least one adult home or enriched housing program, residential health care facility, and a general hospital.
- (c) How ALP beds would address the need for long term care services in the county in which the facility is or would be located. Such justification shall include but would not be limited to the following factors:
  - Patient acuity;
  - Quality of care performance;
  - Access to nursing home beds for persons in need of long-term care as well as existing ALP bed availability and occupancy;
  - Consumer satisfaction with quality of care of existing alternatives;
  - Documented consumer demand for ALP level of care, particularly how medically needy beneficiaries of Medicaid will be part of the proposed ALP.
- (d) The following expectations:
  - The awarded ALP bed complement will not exceed 50 beds or 50% of the maximum licensed capacity, whichever is less.
  - The ALP will assist residents in the development of independent living skills (i.e., no lines for medication, meals or activities). Applicants may describe alternative means for medication administration, meal planning and access to activities that allow the participant to have greater choice of setting in which to receive medications, time and type of meals and activities.

Resident choice in the delivery of services and supports;

- Individuals will share units only by choice, i.e., both potential roommates must agree to share the room with the other roommate.
- Privacy in the sleeping unit will be provided unless a roommate is chosen.
- Individual and shared (double occupancy) dwelling units must contain separate living, dining and sleeping areas which provide adequate space and comfortable, home-like surroundings.
- The unit must contain a full bathroom (including a toilet, washstand and shower or tub).
- Adequate closet space for storing personal effects must be provided.
- Units must have lockable doors with only appropriate staff having keys and individuals are knowledgeable of who those staff are, by title.
- Residents must have some immobile device in which to lock personal items, as well as a corresponding mechanism to maneuver the locking mechanism on such device.
- Individuals have the freedom and support to control their own schedules and activities and have access to food at any time.
- Kitchen is to include area for food storage, refrigeration and meal preparation.
- Residents must be provided full access to such features as a kitchen and cooking facilities and small dining areas, as appropriate.
- Resident cooking may be accommodated in several ways, including use of a supervised common kitchen or through renovating existing adult home space to provide for the cooking apparatus in a non-resident sleeping area, such as a country style kitchen.
- Adequate space for congregate meals and activities, as well as additional space for smaller group meals and activities.
- Residents may have access to food stored in their own refrigerators and food pantries in their dwelling unit and/or congregate areas. However, cooking appliances are prohibited within resident rooms in a dwelling of an adult home.
- Suitable equipment for storing, preparing and serving foods in each resident room is required in enriched housing programs. However, cooking appliances are prohibited within resident rooms in an enriched housing program.
- Individuals have the right to decorate and furnish their unit.
- Individuals are able to have visitors of their choice at any time.
- All applicable components of regulation 18 NYCRR Parts 487 (adult home), or 488 (enriched housing program) and 494 (assisted living program) are met.

## **F. Eligible Projects**

Projects shall not receive an award under both Component B of this RFA and the Kings County Health Care Transformation Program (PHL §2825-a) or the Oneida County Health Care Transformation Program (PHL §2825-b).

An Eligible Applicant must be appropriately certified or licensed to complete all aspects of the proposed project at the time of application or must be a business specifically established to develop alternative community-based long-term care initiatives.

## G. Eligible Counties (Component A)

Counties<sup>1</sup> currently having less than (2) licensed ALPs include:

| County       | # Licensed ALPs | # ALP Projects in Queue | # ALP Beds in Queue |
|--------------|-----------------|-------------------------|---------------------|
| Albany       | 1               | 0                       | 0                   |
| Allegany     | 0               | 0                       | 0                   |
| Cayuga       | 1               | 0                       | 0                   |
| Chemung      | 1               | 0                       | 0                   |
| Chenango     | 0               | 0                       | 0                   |
| Clinton      | 1               | 0                       | 0                   |
| Cortland     | 0               | 0                       | 0                   |
| Delaware     | 1               | 0                       | 0                   |
| Essex        | 1               | 0                       | 0                   |
| Franklin     | 1               | 0                       | 0                   |
| Fulton       | 1               | 0                       | 0                   |
| Genesee      | 1               | 0                       | 0                   |
| Hamilton     | 0               | 0                       | 0                   |
| Herkimer     | 1               | 1                       | 20                  |
| Lewis        | 0               | 0                       | 0                   |
| Livingston   | 0               | 0                       | 0                   |
| Madison      | 0               | 0                       | 0                   |
| Ontario      | 1               | 0                       | 0                   |
| Orleans      | 0               | 0                       | 0                   |
| Putnam       | 1               | 0                       | 0                   |
| St. Lawrence | 1               | 0                       | 0                   |
| Saratoga     | 0               | 1                       | 14                  |
| Schoharie    | 1               | 0                       | 0                   |
| Schuyler     | 1               | 0                       | 0                   |
| Seneca       | 0               | 0                       | 0                   |
| Steuben      | 0               | 0                       | 0                   |
| Sullivan     | 0               | 0                       | 0                   |
| Tioga        | 1               | 0                       | 0                   |
| Tompkins     | 0               | 0                       | 0                   |
| Warren       | 1               | 0                       | 0                   |
| Wayne        | 1               | 0                       | 0                   |
| Wyoming      | 0               | 0                       | 0                   |
| Yates        | 0               | 0                       | 0                   |

Counties having a current ALP occupancy rate of 85.0% or greater based on review of the (4) quarters of 2018 facility self-reported census information include:

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<sup>1</sup> As of March 31, 2019.

| County      | Current ALP Occupancy Rate <sup>2</sup> | # ALP Projects in Queue | # ALP Beds in Queue |
|-------------|---|-------------------------|---------------------|
| Broome      | 85%                                     | 0                       | 0                   |
| Cattaraugus | 97%                                     | 2                       | 168                 |
| Jefferson   | 90%                                     | 0                       | 0                   |
| Nassau      | 90%                                     | 3                       | 105                 |
| New York    | 95%                                     | 0                       | 0                   |
| Onondaga    | 85.2%                                   | 0                       | 0                   |
| Oswego      | 98%                                     | 0                       | 0                   |
| Queens      | 89%                                     | 7                       | 856                 |
| Rensselaer  | 90%                                     | 1                       | 86                  |
| Ulster      | 86%                                     | 1                       | 34                  |

## H. Eligible and Excluded Expenses and Disallowed Capital Project Costs (Component B)

Expenditures eligible for funding under the Assisted Living Program Expansion Initiative (“Eligible Expenses”) are expected to be for **capital projects**, which may include, but are not limited to:

- The planning or design of the acquisition, construction, demolition, replacement, major repair or renovation of a fixed asset or assets, including the preparation and review of plans and specifications including engineering and other services;
- Construction costs;
- Renovation costs;
- Asset acquisitions; and
- Equipment costs.

Eligible Applicants must include a comprehensive description of the Eligible Project and justification for all expenditures included in the Project Budget as well as a discussion of how the expenditure relates to the Eligible Project.

If applicable to the Eligible Project, Eligible Applicants may subcontract components (sub-projects) of the scope of work. Eligible Applicants that plan to subcontract are expected to describe the specific components of the scope of work to be performed through subcontracts (the sub-projects), and to also identify the subcontracting entities in the application. Applicants should note that the Eligible Applicant, if awarded a grant under this RFA, will have overall responsibility for all contract activities, including those performed by subcontractors, and will be the primary contact for the Department. All subcontractors must be approved by the Department of Health. Subcontracts of \$100,000 or more require vendor responsibility documentation; see Section IV. Vendor Responsibility Questionnaire.

Expenses excluded for funding under this RFA include general ongoing operating costs applicable to day-to-day operations and not directly related to the start-up operating costs of the Eligible Project for which funding is being sought under this RFA. Ineligible costs include:

- general ongoing operating expenses such as routine supplies;
- utilities;
- lease payments;
- payment of existing long-term debt;
- equipment with a useful life less than (3) years;

<sup>2</sup> Source: 1<sup>st</sup>-4<sup>th</sup> Quarter QSIR, data self-reported by existing facilities, retrieved March 7, 2019.



- ongoing, routine training and maintenance costs related to IT projects; and
- employee salaries and benefits.

Disallowed costs include expenditures identified in the Eligible Project Budget that are Excluded Expenses or are not sufficiently described and/or justified in type or amount by the applicant or are considered to be unrelated to the proposed Eligible Project. Disallowed costs will be excluded from the amount considered as the grant request.

## **I. Evaluation Criteria**

In determining awards for Eligible Projects, the Department shall also consider criteria including, but not limited to:

- (a) The extent to which the Eligible Project contributes to the integration of health care services or the long-term sustainability of the Eligible Applicant or preservation of essential health services in the community or communities served by the Eligible Applicant.
2. Consideration of geographic distribution of beds and the complement of beds which may not exceed 50% of the total proposed licensed beds or 50 beds, whichever is less.
3. The compliance history of the Applicant and the requisite experience to operate a health or residential care program in NYS.
4. The relationship between the Eligible Project and an identified community need.
5. The extent to which the Eligible Applicant has access to alternative funding.
6. The extent to which the Eligible Project dedicates awarded beds to Medicaid enrollees and overall, benefits other low-income individuals.
7. The extent to which the Eligible Applicant has engaged the community affected by the proposed Eligible Project and the manner to demonstrate that community engagement has shaped the Eligible Project.
8. The extent to which the Eligible Project demonstrates its understanding and ability to comply with the components of the federal Home and Community Based Settings final rule.
9. The extent to which the Eligible Project demonstrates an ability to enter into an agreement with an existing managed care entity and develop and execute collaborative agreements within 24 months of award between a residential health care facility and/or a general hospital, therefore assuring access to the health care continuum.

## **IV. Administrative Requirements**

### **A. Issuing Agency**

This RFA is issued by the New York State Department of Health, Office of Primary Care and Health Systems Management, Division of Adult Care Facilities and Assisted Living Surveillance. Pursuant to PHL §2825-f, grants may be awarded by the Commissioner of Health. The Department is responsible for the requirements specified herein and for the evaluation of all applications.

## B. Question and Answer Phase

All substantive questions must be submitted in writing or via email to:

Nancy Nowakowski, Director  
Bureau of Licensure and Certification  
Division of Adult Care Facilities and Assisted Living Surveillance  
Center for Health Care Provider Services and Oversight  
New York State Department of Health  
875 Central Avenue  
Albany, New York 12206  
Email: [ALPinitiative@health.ny.gov](mailto:ALPinitiative@health.ny.gov)

To the degree possible, each inquiry should cite the RFA section and paragraph to which it refers. Written questions will be accepted until the date posted on the cover of this RFA. This includes Minority and Women Owned Business Enterprise (MWBE) questions and questions pertaining to the MWBE forms.

Questions of a technical nature can be addressed via email to [ALPinitiative@health.ny.gov](mailto:ALPinitiative@health.ny.gov). **Questions are of a technical nature if they are limited to how to prepare your application (e.g., uploading attachments) rather than relating to the substance of the application.**

Some helpful links for questions of a technical nature are below. Questions regarding specific opportunities or applications should be directed to the DOH contact listed on the cover of this RFA.

- <https://grantsmanagement.ny.gov/resources-grant-applicants>
- Grants Gateway Videos: <https://grantsmanagement.ny.gov/videos-grant-applicants>
- Grants Gateway Team Email: [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov)  
Phone: 518-474-5595  
Hours: Monday thru Friday 8am to 4pm  
(Application Completion, Policy, and Registration questions)
- Agate Technical Support Help Desk  
Phone: 1-800-820-1890  
Hours: Monday thru Friday 8am to 8pm  
Email: [helpdesk@agatesoftware.com](mailto:helpdesk@agatesoftware.com)  
(After hours support w/user names and lockouts)

Prospective applicants should note that all clarifications and exceptions, including those relating to the terms and conditions of the contract, are to be raised prior to the submission of an application.

This RFA has been posted on the NYS Grants Gateway website at: [https://grantsgateway.ny.gov/IntelliGrants\\_NYSGG/module/nysgg/goportal.aspx](https://grantsgateway.ny.gov/IntelliGrants_NYSGG/module/nysgg/goportal.aspx) and a link provided on the Department's public website at: <https://www.health.ny.gov/funding/>. Questions and answers, as well as any updates and/or modifications, will also be posted on these websites. All such updates will be posted by the date identified on the cover of this RFA.

## C. Letter of Interest

Prospective applicants may complete and submit a letter of interest (see Attachment 1: Letter of Interest Template). Prospective applicants may also use the letter of interest to receive notification when updates/modifications are posted; including responses to written questions. Letters of interest should be

submitted via the Grants Gateway in the Pre-Submission Uploads section of the online application. If a Letter of Interest is submitted, a copy must also be emailed to [ALPinitiative@health.ny.gov](mailto:ALPinitiative@health.ny.gov). Please ensure that the RFA number and the organization name are noted in the subject line. The letter of interest must be submitted via both formats by the date posted on the cover of the RFA.

Submission of a letter of interest is not a requirement or obligation upon the applicant to submit an application in response to this RFA. Applications may be submitted without first having submitted a letter of interest.

## D. Applicant Conference

An Applicant Conference will not be held for this project.

## E. How to File an Application

Applications must be submitted online via the Grants Gateway by the date and time posted on the cover of this RFA. Reference materials and videos are available for Grantees applying to funding opportunities on the NYS Grants Gateway. Please visit the Grants Management website at the following web address: <https://grantsmanagement.ny.gov/> and select the “Apply for a Grant” from the Apply & Manage menu. There is also a more detailed “Grants Gateway: Vendor User Guide” available in the documents section under Training & Guidance; For Grant Applicants on this page as well. Training webinars are also provided by the Grants Gateway Team. Dates and times for webinar instruction can be located at the following web address: <https://grantsmanagement.ny.gov/live-webinars>.

To apply for this opportunity:

1. Log into the [Grants Gateway](#) as either a “Grantee” or “Grantee Contract Signatory”.
2. On the Grants Gateway home page, click the “View Opportunities” button”.
3. Use the search fields to locate an opportunity; search by State agency (DOH) or enter the Grant Opportunity name Assisted Living Program Expansion Initiative.
4. Click on “Search” button to initiate the search.
5. Click on the name of the Grant Opportunity from the search results grid and then select the “APPLY FOR GRANT OPPORTUNITY” button located bottom left of the Main page of the Grant Opportunity.

Once the application is complete, prospective grantees are **strongly encouraged** to submit their applications at least 48 hours prior to the due date and time. 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.** Both DOH and Grants Gateway staff are available to answer applicant’s technical questions and provide technical assistance prior to the application due date and time. Contact information for the Grants Gateway Team is available under Section IV. B. of this RFA.

**PLEASE NOTE:** Although DOH and the Grants Gateway staff will do their best to address concerns that are identified less than 48 hours prior to the due date and time, there is no guarantee that they will be resolved in time for the application to be submitted and, therefore, considered for funding.

The Grants Gateway will always notify applicants of successful submission. If a prospective grantee does not get a successful submission message assigning their application a unique ID number, it has not successfully submitted an application. During the application process, please pay particular attention to the following:

- Not-for-profit applicants must be prequalified on the due date for this application submission. Be sure to maintain prequalification status between funding opportunities. Three of a not-for-profit's essential financial documents - the IRS990, Financial Statement and Charities Bureau filing - expire on an annual basis. If these documents are allowed to expire, the not-for-profit's prequalification status expires as well, and it will not be eligible for State grant funding until its documentation is updated and approved, and prequalified status is reinstated.
- Only individuals with the roles "Grantee Contract Signatory" or "Grantee System Administrator" can submit an application.
- Prior to submission, the system will automatically initiate a global error checking process to protect against incomplete applications. An applicant may need to attend to certain parts of the application prior to being able to submit the application successfully. Be sure to allow time after pressing the submit button to clean up any global errors that may arise. You can also run the global error check at any time in the application process. (see p.64 of the Grants Gateway: Vendor User Guide).
- Grantees should use numbers, letters and underscores when naming their uploaded files. There cannot be any special characters in the uploaded file name. Also, be aware of the restriction on file size (10 MB) when uploading documents. Grantees should ensure that any attachments uploaded with their application are not "protected" or "pass-worded" documents.

The following table will provide a snapshot of which roles are allowed to Initiate, Complete, and Submit the Grant Application(s) in the Grants Gateway.

| Role                         | Create and Maintain User Roles | Initiate Application | Complete Application | Submit Application | Only View the Application |
|------------------------------|--------------------------------|----------------------|----------------------|--------------------|---------------------------|
| Delegated Admin              | X                              |                      |                      |                    |                           |
| Grantee                      |                                | X                    | X                    |                    |                           |
| Grantee Contract Signatory   |                                | X                    | X                    | X                  |                           |
| Grantee Payment Signatory    |                                | X                    | X                    |                    |                           |
| Grantee System Administrator |                                | X                    | X                    | X                  |                           |
| Grantee View Only            |                                |                      |                      |                    | X                         |

**PLEASE NOTE: Waiting until the last several days to complete your application online may impact your ability to meet the application submission deadline, as you may have technical questions. Beginning the process of applying as soon as possible will produce the best results.**

**Late applications will be rejected. Applications will not be accepted via fax, email, hard copy or hand delivery.**

**F. Department of Health's Reserved Rights**

The Department of Health reserves the right to:

1. Reject any or all applications received in response to this RFA.
2. Withdraw the RFA at any time, at the DOH's sole discretion.
3. Make an award under the RFA in whole or in part or make no awards.
4. Disqualify any applicant whose conduct and/or proposal fails to conform to the requirements of the RFA.

5. Use application information obtained through site visits, management interviews and the state's investigation of an applicant's qualifications, experience, ability or financial standing, and any material or information submitted by the applicant in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFA.
6. Prior to application opening, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available.
7. Prior to application opening, direct applicants to submit proposal modifications addressing subsequent RFA amendments.
8. Change any of the scheduled dates.
9. Waive any requirements that are not material.
10. Conduct contract negotiations with the next responsible applicant, should the Department be unsuccessful in negotiating with the selected applicant.
11. Utilize any and all ideas submitted with the applications received.
12. Unless otherwise specified in the RFA, every offer is firm and not revocable for a period of 60 days from the bid opening.
13. Waive or modify minor irregularities in applications received after prior notification to the applicant.
14. Require clarification or revision at any time during the application process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an applicant's application and/or to determine an applicant's compliance with the requirements of the RFA. If an applicant does not respond to the correspondence requesting clarification within 10 business days, then the applicant will be deemed "non-responsive" and will be removed from consideration
15. Eliminate or waive any mandatory, non-material specifications that cannot be complied with by all applicants.
16. Award multiple Master Grant Contracts (MGCs) from this RFA.
17. Award grants based on geographic or regional considerations to serve the best interests of the state.
18. Adjust or correct cost figures with the concurrence of the applicant if errors exist and can be documented to the satisfaction of the NYS Department of Health and the State Comptroller.
19. Negotiate with an awardee within the requirements of the Assisted Living Program Expansion Initiative to serve the best interests of the State, including programmatic and financial changes in project scope.

## **G. Term of Contract**

Any contract resulting from this RFA will be effective only upon approval by the New York State Office of the Comptroller.

It is anticipated that the term of the MGC under the Assisted Living Program Expansion Initiative (Component B) will begin on January 1, 2020 and run for a period of up to five years (consistent with the

accepted ACF Common Application licensure schedules).

Continued funding throughout this period is contingent upon availability of funding and state budget appropriations. The NYS Department of Health in consultation with DASNY also reserves the right to revise the award amount as necessary due to changes in the availability of funding.

A sample New York State Master Contract for Grants can be found in the Forms Menu once an application to this funding opportunity is started.

## **H. Payment & Reporting Requirements of Grant Awardees**

1. No advances will be allowed for contracts resulting from this procurement.
2. The grant contractor will be required to submit quarterly invoices and required reports of expenditures to the State's designated payment office (below) or, in the future, through the Grants Gateway:

Division of ACF/Assisted Living Surveillance  
NYS Department of Health  
875 Central Avenue  
Albany, NY 12206

Grant contractors must provide complete and accurate billing invoices in order to receive payment. Billing invoices submitted to the Department must contain all information and supporting documentation required by the Contract, the Department and the Office of the State Comptroller (OSC). Payment for invoices submitted by the CONTRACTOR shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with OSC's procedures and practices to authorize electronic payments. Authorization forms are available at OSC's website at: <http://www.osc.state.ny.us/epay/index.htm>, by email at: [epayments@osc.state.ny.us](mailto:epayments@osc.state.ny.us) or by telephone at (855) 233-8363. CONTRACTOR acknowledges that it will not receive payment on any claims for reimbursement submitted under this contract if it does not comply with OSC's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

Payment of such claims for reimbursement by the State (NYS Department of Health) shall be made in accordance with Article XI-A of the New York State Finance Law.

Payment terms will be: Contractor will be reimbursed for actual expenses incurred and expensed as allowed in the Contract Budget and Workplan.

3. The grant contractor will be required to submit quarterly reports on the status of the Assisted Living Program Expansion Initiative project. Such reports shall be submitted no later than 30 days after the close of the quarter and shall be consistent with the provisions of the terms of the State of New York Master Contract for Grants. The reports shall include:
  - Progress made toward Assisted Living Program Expansion Initiative objectives;
  - A status update on Project process and performance metrics and milestones;
  - Information on Project spending and budget; and
  - A summary of public engagement and public comments received.

The grant contractor will be required to submit any forms outlined in Attachment D of the NYS Master Grant Contract. Also, all payment and reporting requirements will be detailed in Attachment D of the final NYS Master Grant Contract.

## I. Minority and Woman-Owned Business Enterprise Requirements

Pursuant to New York State Executive Law Article 15-A, the New York State Department of Health (“DOH”) recognizes its obligation to promote opportunities for maximum feasible participation of certified minority- and women-owned business enterprises and the employment of minority group members and women in the performance of DOH contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" (“Disparity Study”). The report found evidence of statistically significant disparities between the level of participation of minority- and women-owned business enterprises in state procurement contracting versus the number of minority- and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that DOH establish goals for maximum feasible participation of New York State Certified minority- and women-owned business enterprises (“MWBE”) and the employment of minority groups members and women in the performance of New York State contracts.

### Business Participation Opportunities by MWBEs

For purposes of this solicitation, the New York State Department of Health hereby establishes a goal of **30%** as follows:

1. For Not-for Profit Applicants: Eligible Expenditures include any subcontracted labor or services, equipment, materials, or any combined purchase of the foregoing under a contract awarded from this solicitation.
2. For-Profit and Municipality Applicants: Eligible Expenditures include the value of the budget in total.

The goal on the eligible portion of this contract will be 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs and outreach efforts to certified MWBE firms). A contractor (“Contractor”) on the subject contract (“Contract”) must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and Contractor agrees that DOH may withhold payment pending receipt of the required MWBE documentation. For guidance on how DOH will determine “good faith efforts,” refer to 5 NYCRR §142.8.

The directory of New York State Certified MWBEs can be viewed at: <https://ny.newnycontracts.com>. The directory is found on this page under “NYS Directory of Certified Firms” and accessed by clicking on the link entitled “Search the Directory”. Engaging with firms found in the directory with like product(s) and/or service(s) is strongly encouraged and all communication efforts and responses should be well documented.

By submitting an application, a grantee agrees to complete an MWBE Utilization Plan as directed in **Attachment 4** of this RFA. DOH will review the submitted MWBE Utilization Plan. If the MWBE Utilization Plan is not accepted, DOH may issue a notice of deficiency. If a notice of deficiency is issued, Grantee agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt. DOH may disqualify a Grantee as being non-responsive under the following circumstances:

- a) If a Grantee fails to submit a MWBE Utilization Plan;
- b) If a Grantee fails to submit a written remedy to a notice of deficiency;
- c) If a Grantee fails to submit a request for waiver (if applicable); or
- d) If DOH determines that the Grantee has failed to document good-faith efforts to meet the established DOH MWBE participation goals for the procurement.

In addition, successful awardees will be required to certify they have an acceptable Equal Employment Opportunity policy statement.

## **J. Participation Opportunities for New York State Certified Service-Disabled Veteran Owned Businesses**

The New York State Department of Health is required to implement the provisions of New York State Executive Law Article 17-B and 9 NYCRR 252 which provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOB”), thereby further integrating such businesses into New York State’s economy. Department of Health recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of Department of Health contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, applicants are expected to consider SDVOBs in the fulfillment of the requirements of the Contract and by submitting this application the applicant agrees to be bound by all of the SDVOB the terms and requirements as provided for in Attachment S of the awarded contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

For this procurement, the Department of Health hereby establishes an overall goal of 2% for SDVOB participation, based on the current availability of qualified SDVOBs. For purposes of providing meaningful participation by SDVOBs, the Applicant/Contractor should reference the directory of New York State Certified SDVOBs found at: <https://online.ogs.ny.gov/SDVOB/search>.

In accordance with 9 NYCRR §252.2(i), Bidders are required to submit a completed SDVOB Utilization Plan on Form SDVOB 100 with their application. (Provided as Attachment 7 of the RFA). If the applicant, after making good faith efforts, is unable to comply with SDVOB goals, the applicant should also submit a Request for Waiver form SDVOB 200 documenting good faith efforts by the Contractor to meet such goals. (Provided as Attachment 8 of the RFA). Reporting requirements on the utilization of SDVOBs during the contract term are described in the Master Grants Contract Attachment S.

Questions regarding compliance with SDVOB participation goals should be submitted to [ALPinitiative@health.ny.gov](mailto:ALPinitiative@health.ny.gov). Additionally, following Contract execution, Contractor is encouraged to contact the Office of General Services’ Division of Service-Disabled Veterans’ Business Development at (518) 474-2015 or [VeteransDevelopment@ogs.ny.gov](mailto:VeteransDevelopment@ogs.ny.gov) to discuss additional methods of maximizing participation by SDVOBs on the Contract.

## **K. Limits on Administrative Expenses and Executive Compensation**

On July 1, 2013, limitations on administrative expenses and executive compensation contained within Governor Cuomo’s Executive Order #38 and related regulations published by the Department (Part 1002 to 10 NYCRR – Limits on Administrative Expenses and Executive Compensation) went into effect. Applicants agree that all state funds dispersed under this procurement will, if applicable to them, be bound by the terms, conditions, obligations and regulations promulgated by the Department. To provide assistance with compliance regarding Executive Order #38 and the related regulations, please refer to



the Executive Order #38 website at: <http://executiveorder38.ny.gov>.

## L. Vendor Identification Number

Effective January 1, 2012, to do business with New York State, you must have a vendor identification number. As part of the Statewide Financial System (SFS), the Office of the State Comptroller's Bureau of State Expenditures has created a centralized vendor repository called the New York State Vendor File. In the event of an award and to initiate a contract with the New York State Department of Health, vendors must be registered in the New York State Vendor File and have a valid New York State Vendor ID.

If already enrolled in the Vendor File, please include the Vendor Identification number on the application cover sheet. If not enrolled, to request assignment of a Vendor Identification number, please submit a New York State Office of the State Comptroller Substitute Form W-9, which can be found on-line at: [http://www.osc.state.ny.us/vendor\\_management/issues\\_guidance.htm](http://www.osc.state.ny.us/vendor_management/issues_guidance.htm).

Additional information concerning the New York State Vendor File can be obtained on-line at: [http://www.osc.state.ny.us/vendor\\_management/index.htm](http://www.osc.state.ny.us/vendor_management/index.htm), by contacting the SFS Help Desk at (855) 233-8363 or by emailing at [helpdesk@sfs.ny.gov](mailto:helpdesk@sfs.ny.gov).

## M. Vendor Responsibility Questionnaire

The New York State Department of Health reminds vendors to 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 available at [http://www.osc.state.ny.us/vendrep/vendor\\_index.htm](http://www.osc.state.ny.us/vendrep/vendor_index.htm) or go directly to the VendRep system online at <https://portal.osc.state.ny.us>.

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 [ciohelpdesk@osc.state.ny.us](mailto:ciohelpdesk@osc.state.ny.us).

Applicants must complete and submit the Vendor Responsibility Attestation (Attachment 5).

## N. Vendor Prequalification for Not-for-Profits

All not-for-profit vendors subject to prequalification are required to prequalify prior to grant application and execution of contracts.

Pursuant to the New York State Division of Budget Bulletin H-1032, dated July 16, 2014, New York State has instituted key reform initiatives to the grant contract process which requires not-for-profits to register in the Grants Gateway and complete the Vendor Prequalification process in order for applications to be evaluated. Information on these initiatives can be found on the [Grants Management Website](#).

**Applications received from not-for-profit applicants that have not Registered and are not Prequalified in the Grants Gateway on the application due date listed on the cover of this RFA cannot be evaluated. Such applications will be disqualified from further consideration.**

Below is a summary of the steps that must be completed to meet registration and prequalification requirements. The [Vendor Prequalification Manual](#) on the Grants Management Website details the requirements and an [online tutorial](#) are available to walk users through the process.

## 1) Register for the Grants Gateway

- On the Grants Management Website, download a copy of the [Registration Form for Administrator](#). A signed, notarized original form must be sent to the NYS Grants Management office at the address provided in the submission instructions. You will be provided with a Username and Password allowing you to access the Grants Gateway.

If you have previously registered and do not know your Username, please email [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov) . If you do not know your Password, please click the [Forgot Password](#) link from the main log in page and follow the prompts.

## 2) Complete your Prequalification Application

- Log in to the [Grants Gateway](#). **If this is your first time logging in**, you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click SAVE.
- Click the *Organization(s)* link at the top of the page and complete the required fields including selecting the State agency you have the most grants with. This page should be completed in its entirety before you SAVE. A *Document Vault* link will become available near the top of the page. Click this link to access the main Document Vault page.
- Answer the questions in the *Required Forms* and upload *Required Documents*. This constitutes your Prequalification Application. Optional Documents are not required unless specified in this Request for Application.
- Specific questions about the prequalification process should be referred to your agency representative or to the Grants Gateway Team at [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov).

## 3) Submit Your Prequalification Application

- After completing your Prequalification Application, click the **Submit Document Vault Link** located below the Required Documents section to submit your Prequalification Application for State agency review. Once submitted the status of the Document Vault will change to *In Review*.
- If your Prequalification reviewer has questions or requests changes you will receive email notification from the Gateway system.
- Once your Prequalification Application has been approved, you will receive a Gateway notification that you are now prequalified to do business with New York State.

**Vendors are strongly encouraged to begin the process as soon as possible in order to participate in this opportunity.**

## O. General Specifications

1. By submitting the "Application Form" each applicant attests to its express authority to sign on behalf of the applicant.
2. Contractors will possess, at no cost to the State, all qualifications, licenses and permits to engage in the required business as may be required within the jurisdiction where the work specified is to be performed. Workers to be employed in the performance of this contract will possess the qualifications, training, licenses and permits as may be required within such jurisdiction.

3. Submission of an application indicates the applicant's acceptance of all conditions and terms contained in this RFA, including the terms and conditions of the contract. Any exceptions allowed by the Department during the Question and Answer Phase (Section IV.) must be clearly noted in a cover letter attached to the application.
4. An applicant may be disqualified from receiving awards if such applicant or any subsidiary, affiliate, partner, officer, agent or principal thereof, or anyone in its employ, has previously failed to perform satisfactorily in connection with public bidding or contracts.
5. Provisions Upon Default
  - a. The services to be performed by the Applicant shall be at all times subject to the direction and control of the Department as to all matters arising in connection with or relating to the contract resulting from this RFA.
  - b. In the event that the Applicant, through any cause, fails to perform any of the terms, covenants or promises of any contract resulting from this RFA, the Department acting for and on behalf of the State, shall thereupon have the right to terminate the contract by giving notice in writing of the fact and date of such termination to the Applicant.
  - c. If, in the judgement of the Department, an Eligible Applicant awarded a grant under this RFA acts in such a way which is likely to or does impair or prejudice the interests of the State, the Department acting on behalf of the State, shall thereupon have the right to terminate any contract resulting from this RFA by giving notice in writing of the fact and date of such termination to the Contractor. In such case the Contractor shall receive equitable compensation for such services as shall, in the judgement of the State Comptroller, have been satisfactorily performed by the Contractor up to the date of the termination of this agreement, which such compensation shall not exceed the total cost incurred for the work which the Contractor was engaged in at the time of such termination, subject to audit by the State Comptroller.

## V. Completing the Application

### A. Application Format/Content

Please refer to the Grants Gateway: Vendor User Guide for assistance in applying for this procurement through the NYS Grants Gateway. This guide is available on the Grants Management website at: <https://grantsmanagement.ny.gov/system/files/documents/2019/03/grantsgatewayvendorusermanual03-13-2019.pdf>. Additional information for applicants is available at: <https://grantsmanagement.ny.gov/resources-grant-applicants>.

**Also, you must use Internet Explorer (11 or higher) to access the Grants Gateway. Using Chrome or Firefox causes errors in the Work Plan section of the application.**

Please upload each of the required schedules of the Adult Care Facility Common Application as outlined below in the Grants Gateway online application. Your responses comprise your application. Please respond to all items within each Schedule. When completing the application, please be mindful that application reviewers may not be familiar with the agency and its services. Therefore, answers should be specific, succinct and responsive to the statements and questions as outlined.

## **Component A**

Failure to submit the required schedules, a copy of a New York State Operating Certificate, New York State Certification, or New York State Medical License, and/or audited financial statements and any other evidence of financial stability, could result in disqualification of your application.

**ACF Common Application Schedules not detailed within this Section should not be submitted and will not be reviewed as part of this RFA.** The applicant must submit the following Schedules, in their entirety, to include the additional information outlined herein:

### **Schedule 1 – General Information (DOH-5093)**

- Schedule 1A – General Information – All Applicants
- Schedule 1B – Project Description

In addition to the information requested in Schedule 1B – Project Description, please include the following in your project description:

Identify if your organization is submitting more than one application and the priority ranking of each application, with 1 being the highest priority and 3 being the lowest priority.

#### a. Project Description

- i. The purpose of the eligible project.
- ii. How the Eligible Project will contribute to preserving or expanding essential health or residential care services.
- iii. How the Eligible Project will increase the quality of resident care or experience.

#### b. Geographic region

- i. Describe the geographic region served by the Eligible Applicant's organization. The geographic region served is defined as the service area from which the provider draws at least 75 percent of its residents during the most recent 12-month cost reporting period.
- ii. Applicant location in relation to like providers. Identify if the Eligible Applicant provides health care services or assisted living program services that otherwise would not be available to the population of the geographic region due to transportation infrastructure, distance and/or travel times from other like providers. Specify by name(s) the next closest like provider(s) and the distance or travel time to this provider.
- iii. Identify if the Eligible Applicant provides any specialized health or residential services that otherwise would not be available to the population of the geographic region.

#### c. Community Need

- i. Describe how the needs of the residents of the community or communities that will be served by the Eligible Project were assessed. Eligible Applicants should provide thorough, concise information that demonstrates a comprehensive understanding of the health care and residential needs of the community or communities served.

- ii. Describe the relationship between the Eligible Project and identified community need for assisted living program services.
  - iii. Demonstrate the extent to which the Eligible Applicant has engaged the community affected by the Eligible Project and the manner in which community engagement has shaped the Eligible Project. Identify the specific stakeholder, resident, family or other community groups that were contacted and the manner in which they were engaged (meeting, town hall forum, etc.) and how their feedback was incorporated into the Eligible Project.
  - iv. Include up to five (5) Letters of Support from the geographic region that the Eligible Applicant is proposing to serve, including from health care facilities, other community entities or leaders.
- d. Person-Centered Services
- i. Describe how the Eligible Project will create a person-centered approach to achieve better quality of life outcomes for older adults.
  - ii. Describe how the Eligible Project will comply with HCBS requirements, and meet the expectations outlined in Section III., part iv. of this RFA.
- Schedule 1C – Checklist of schedules included in the Application – All Applicants
  - Schedule 1E – General Information – ALP Applicants Only
  - Schedule 1E – ALP – Affidavit of Shareholders (if applicable)

Schedule 2 – Personal Qualifying Information

- Schedule 2 – Worksheet (DOH-5094)

Each of the following sections of Schedule 2 must be submitted for each proposed member/director of the proposed ALP/ALP expansion.

- Schedule 2A – Personal Qualifying Information

The Schedule 2A must include a list of all Eligible Applicant’s Offices/Ownership interests, including any interests pending with the New York State Department of Health. Additionally, each member/director must list any previous ALP award, regardless of whether the ALP is currently operational.

Failure to provide a complete list of the Applicant’s Offices/ Ownership Interests may result in the disqualification of your application.

- Schedule 2B – Personal Financial Statement
- Schedule 2C – Director’s Statement for Not-for-Profit Applicants (if applicable)

Schedule 3 – Legal Information (DOH-5095)

Each Eligible Applicant must submit proof that the applicant meets the minimum eligibility requirements under Section II of this Request for Applications. The Eligible Applicant may submit a New York State

Operating Certificate, New York State Certification or New York State Medical License. Failure to submit proof that the applicant meets minimum eligibility requirements may result in disqualification of your application.

- Schedule 3A – General Legal Information

Each Applicant must describe the Eligible Applicant’s organization. The description should specifically address the following:

- a. The Eligible Applicant’s exact corporate name, board composition, ownership and affiliations, and the number of employees. Provide the name, title and phone number of the highest-ranking employee in the organization. For example, the Administrator or Program Coordinator of the Adult Home or Enriched Housing Program.
- b. The Eligible Applicant’s mission, including the size of the organization and scope of the services provided.

Schedule 4 – Financial Information (DOH-5096)

Each Eligible Applicant is required to demonstrate financial stability. The applicant must upload a copy of the prior three years’ annual audited financial statements of the Eligible Applicant and any other evidence of financial stability. Entities whose financial statements have not been subjected to an audit should include any additional information available to satisfy this requirement and appropriate certifications.

- Please note this question in the Grants Gateway will only allow one document to be uploaded. The reports must be combined into one PDF no larger than 10MB.  
**DO NOT PASSWORD PROTECT THE DOCUMENT, ENSURE ALL PASSWORDS ARE REMOVED PRIOR TO UPLOADING.**

If an applicant does not submit audited financial statements and/or any other evidence of this stability OR uploads a password protected PDF, the Application PDF will fail, and these errors may result in disqualification of your application.

- Schedule 4A – Financial Information Required for All Applicants
- Schedule 4D – ALP – Projected Twelve Month Operating Budget

Schedule 5 – Architectural Information (DOH-5097)

- Schedule 5A – General Architectural Requirements

Provide a description of the proposed site to include, if applicable, how the Eligible Project will modernize obsolete facility physical plans and infrastructure.

Describe the timeline anticipated to achieve implementation of the Eligible Project. This timeline should identify specific milestones and approximate dates of completion for each milestone. The application should also address timeframes for any architectural and engineering design and construction necessary to accomplish each phase of the Eligible Project, if applicable.

**Component B**

A separate application must be submitted in the Grants Gateway for capital funding of the Eligible Project submitted for Component A.

- a. Describe the Eligible Project(s).

- b. Identify if your organization is submitting more than one application and the priority ranking of each application, with 1 being the highest priority and 3 being the lowest priority, and the amount of capital funding requested.
- c. The Eligible Applicant must address the following for each Eligible Project:
  - i. The total cost, including the amount of Assisted Living Program Expansion Initiative grant funding requested and any other sources and associated amounts of alternative funding necessary to fully fund the Eligible Project, if applicable.
  - ii. How the funding requested is necessary for the implementation of the Eligible Project.
  - iii. The financial impact of the Eligible Project on the Eligible Applicant. Include any assumptions used in projecting the incremental revenues and expenses associated with the Eligible Project and their impact on the Eligible Applicant.
  - iv. A detailed narrative for all financial projections. The narrative must describe the financial impact of the Eligible Project on the Eligible Applicant, and disclose the assumptions made for revenues, expenses, balance sheet, cash, and other financing sources and uses.
  - v. The percentage of capital the applicant pledges to the Eligible Project.
  - vi. The percentage of the total project costs the applicant is funding through personal equity and third-party financing.
- d. The Eligible Applicant must complete the Capital Based Budget in the format provided in the Grants Gateway using the following instructions:
  - i. The requested grant funding under Component B of this RFA must be entered using the Grant Funds column.
  - ii. Applicants should enter their proposed capital project in the Other category and provide sufficient detail for each expense.
- e. Work Plan

In addition to completing the application questions outlined above, an online Workplan must be completed in the Grants Gateway. The online Workplan will be included in any awarded contract; therefore, it should be sufficiently detailed to allow monitoring of progress toward project goals.

The online Workplan is essentially an outline/summary of the work associated with the Eligible Project(s) described in the sections above. Please note that if an application is selected for award, the Workplan will be subject to change and can be updated during the contract development/negotiation process.

Please note that the Work Plan for this RFA is limited to the following: 30 Objectives, 60 Tasks, and 90 Performance Measures. The Grants Gateway does not keep a running count of these; applicants will be responsible for ensuring that they stay within these limits. **If you exceed these limits it will jeopardize your ability to submit your application.**

Please refer to the Grants Gateway: Vendor User Guide for assistance in completing the Work Plan. This guide is available on the Grants Management website at: <https://grantsmanagement.ny.gov/system/files/documents/2019/03/grantsgatewayvendorusermanual03-13-2019.pdf>. Additional information for applicants is available at: <https://grantsmanagement.ny.gov/resources-grant-applicants>.

***Applicants are hereby advised that, in accordance with Public Health Law 2825-f, Chapter 54 of the Laws of 2018, and criteria set forth in Social Services Law 461-l (i), awards made under this RFA are determined on a comparative basis. Funding will be awarded for purposes described in this RFA. Without limitation to this authorization, the Commissioner of Health may consult with***

**any internal or external experts or local health care constituents, as appropriate, at any time in the evaluation of applications received pursuant to this RFA. The decision to award, or not to award, or to award a grant at a funding level that is less than the amount requested by the applicant cannot be appealed.**

**As these awards are comparative, there is no right of appeal and the decision of the Commissioner of Health is final. Accordingly, applicants are advised to put forward their best efforts in thoroughly completing and fulfilling all of the requirements of the RFA. While the award is discretionary, the criteria listed in PHL §2825-f, Chapter 54 of the Laws of 2018 and SSL §461-I (i)(ii) will be utilized in award determination.**

**The decision not to fund an application will be communicated by letter. Based on the number of applicants, the Department shall have the sole discretion of whether or not to provide an opportunity for non-successful applicants to request a debriefing to be conducted after the announcement of awards. Comparisons with other grant applications will not be made during a debriefing.**

**The Department's determination of applicable terms and conditions of award or a denial of a request to change the terms and conditions is discretionary and not subject to appeal.**

## **B. Freedom of Information Law**

All applications may be disclosed or used by the Department to the extent permitted by law. The Department may disclose an application to any person for the purpose of assisting in evaluating the application or for any other lawful purpose. All applications will become State agency records, which will be available to the public in accordance with the Freedom of Information Law. **Any portion of the application that an Eligible Applicant believes constitutes proprietary information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the application.** No such designation or claim is binding on the Department and the Department reserves all of its rights with respect thereto. If the Department agrees with the proprietary claim, the designated portion of the application will be withheld from public disclosure. Blanket assertions of proprietary material will not be accepted, and failure to specifically designate proprietary material may be deemed a waiver of any right to confidential handling of such material.

## **C. Review and Award Process**

Applications received in response to Component A of this RFA will be evaluated as follows:

### **Stage 1 Review**

1. Department staff shall undertake an initial review of all Grant Applications submitted online via the Grants Gateway by the date and time posted on the cover of the RFA and determine:
  - i. If the applicant is a not-for-profit entity, it has registered and pre-qualified in the Grants Gateway; and
  - ii. Whether the Application contains all the components required by the RFA. Applications missing material elements may be eliminated from further review. Applicants may be contacted by the Department if additional information is needed.
2. A list of all applications proposed to be eliminated in Stage 1 due to failure to register or pre-qualify in the Grants Gateway shall be compiled by the Department and reviewed for determination of whether a disqualification or clarification letter should be sent to the applicant.



## **Stage 2 Review**

Applications passing Stage 1 review will be forwarded to Stage 2 for evaluation.

The final eligibility determinations and rating of the evaluation criteria will be conducted by a “Review Team”, which may include the Department and other State agency staff as determined by the Commissioner. The evaluation of applications by the Review Team will be based on or supported by summaries and other factual analyses prepared for the Review Team by the Department or other State agency staff, or in consultation with other internal or external sources. After receipt of initial application summaries and other factual analyses, the Review Team may request that the Department or other State agency staff perform additional review and analysis of selected applications to assist the Review Team in developing final award recommendations.

Concurrent with the evaluation of the Review team, DASNY reserves the right to undertake a review of those Grant Applications identified by the Department.

The Review Team will make award recommendations to the NYS Commissioner of Health in accordance with the following:

### **Overall Award Methodology:**

Stage 2.1 (Component A): The Review Team will utilize a “Review Team Tool (Scorecard)” to assign a total numeric score to each application that has advanced to Stage 2. In determining the overall score, the review team will score each component of the “Evaluation Criteria” listed in this section and Section III of this RFA. The overall score for an application will be determined by totaling the scores of all individual criterion. A total of 80 points are available for Component A.

Stage 2.2 (Component B): Eligible Projects receiving an ALP award under Component A of this RFA will move on to Stage 2.2 review of the application submitted under Component B, if applicable. A total of 30 points are available for Component B.

In the event that available funds are not sufficient to support all projects assigned to the highest scoring applicants, the Review Team will develop consensus recommendations for project awards in accordance with the following “Tie Breaker” criteria

1. The extent to which:
  - i. Applications provide the greatest impact on the long-term financial sustainability of the applicant relative to other applications under consideration for funding in the same geographic region; or,
  - ii. Applications preserve or expand essential long-term care services in a community in a manner that is superior to other applications in the same geographic region; or,
  - iii. Applications modernize obsolete facility physical plants and infrastructure relative to other applications under consideration in the same geographic region; or,
  - iv. For residential facilities, applications that increase the quality of resident care or experiences in a manner that is superior to other applications in the same geographic region; or
  - v. Applications that strengthen the long-term care continuum, in a manner that is superior to other applications in the same geographic region; or,
  - vi. Applicants who do not have access to alternative funding, other than State grants, compared to other applicants under consideration for funding in the same region.

In addition, and consistent with meeting the evaluation criteria for geographic distribution, priority may be given to projects, as applicable, that create a resident-centered approach to achieve better quality of life outcomes for older adults.

## D. Evaluation Criteria

In determining awards for Eligible Projects, the Department shall consider criteria including, but not limited to:

- i. The extent to which the Eligible Project contributes to the integration of health care services or the long-term sustainability of the Eligible Applicant or preservation of essential health services in the community or communities served by the Eligible Applicant.
- ii. Consideration of geographic distribution of beds and the complement of beds which may not exceed 50% of the total proposed licensed beds or 50 beds, whichever is less.
- iii. The compliance history of the Applicant and the requisite experience to operate a health or residential care program in NYS.
- iv. The relationship between the Eligible Project and an identified community need.
- v. The extent to which the Eligible Applicant has access to alternative funding.
- vi. The extent to which the Eligible Project dedicates awarded beds to Medicaid enrollees and overall, benefits other low-income individuals.
- vii. The extent to which the Eligible Applicant has engaged the community affected by the proposed Eligible Project and the manner to demonstrate that community engagement has shaped the Eligible Project.
- viii. The extent to which the Eligible Project demonstrates its understanding and ability to comply with the components of the federal Home and Community Based Settings final rule.
- ix. The extent to which the Eligible Project demonstrates an ability to enter into an agreement with an existing managed care entity and develop and execute collaborative agreements within 24 months of award between at least one of each of the following: an adult home or enriched housing program, a residential health care facility, and a general hospital therefore assuring access to the health care continuum.

### Determination of the Final Award Amount:

The final amount of each Eligible Applicant's total award, regardless of the amount requested, will be determined by the Commissioner based upon:

- An evaluation of the scope of work presented;
- The degree to which the Eligible Project meets the goals and requirements of the RFA;
- The appropriateness of the expenses to the Eligible Project;
- The amount necessary to achieve the goals of the Eligible Applicant's overall transformation activities; and
- The amount necessary to achieve, to the extent practicable, a geographic distribution of funds from this Program, as applicable.

### Other Information about Award Determinations:

- The amount of project requests is expected to significantly exceed available funds. Therefore, the RFA should be clear that in structuring ALP Expansion Initiative requests, applicants should be mindful of the overall amount of funds available for award from this program in the context of the criteria by which projects will be selected for award, particularly, geographic distribution and the minimum allocation for community-based providers and residential health care facilities.
- If an applicant chooses to identify matching funds in support of full project costs, and that project receives a Capital Grant award, a condition of such award will be that all funding sources for the project are verified as available to fund the project.
- The extent to which the applicant has access to alternative financing and recognizing that the value of project requests is expected to significantly exceed available funds, the capability of an

applicant to access debt or institutional funds for all or a portion of the project costs will be an award consideration.

## **VI. Attachments**

Please note that all attachments are accessed in the “Pre-Submission Uploads” section of an online application and are not included in the RFA document. In order to access the online application and other required documents such as the attachments, prospective applicants must be registered and logged into the NYS Grants Gateway in the user role of either a “Grantee” or a “Grantee Contract Signatory”.

- Attachment 1: Letter of Interest Template
- Attachment 2: Minority & Women-Owned Business Enterprise Requirement Forms
- Attachment 3: Vendor Responsibility Attestation
- Attachment 4: Statewide Health Care Facility Transformation Program III Statute (Section 2825-f of the PHL)
- Attachment 5: SDVOB Utilization Plan Form SDVOB 100
- Attachment 6: SDVOB Waiver Form SDVOB 200
  
- Schedule 1 General Information (DOH-5093)
- Schedule 2 Worksheet (DOH-5094)
- Schedule 3 Legal Information (DOH-5095)
- Schedule 4 Financial Information (DOH-5096)
- Schedule 5 Architectural Information (DOH-5097)