

**New York State Department of Agriculture and Markets**

**Request for Proposals**

**RFP #0378**

**Statewide Financial System Event ID #AGM-FTS26**

***New York State Farm-to-School Grant Program  
2026***

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| Release Request for Proposals (RFP)                              | December 11, 2025   |
| Informational Workshop<br>Registration Link                      | January 7, 2026, 1:00 pm<br><a href="#">FtS 2026 Informational Workshop</a> |
| Question and Answer Period<br>Final Questions and Answers Posted | December 11, 2025 – February 6, 2026<br>February 20, 2026                   |
| <b>Deadline for Applications</b>                                 | <b>March 12, 2026, 3:00 pm</b>  |
| Announcement of Grant Awards                                     | July 2026   |



**Department of  
Agriculture and Markets**

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## 1. APPLICATION SUBMISSION REQUIREMENTS

The New York State Department of Agriculture and Markets (the “Department”) is pleased to announce the availability of funds for the 2026 Farm- to-School Competitive Grants Program. Applications for funding must conform to the format provided in the State Financial System (SFS). **APPLICATIONS MUST BE SUBMITTED via the State Financial System** to be considered for funding. Faxed, mailed, or e-mailed applications will not be accepted. The name for this opportunity is “**2026 New York State Farm-To-School Program**” and the **Grant Opportunity ID is AGM-FTS26**.

**Proposals are due by March 12, 2026, at 3:00 pm.** Late proposals will not be accepted.

## 2. QUESTIONS & ANSWERS

All questions about this RFP must be submitted in writing via e-mail to:

Matthew Wilson  
NYS Department of Agriculture and Markets  
10B Airline Drive Albany, NY 12235  
[FarmToSchool@agriculture.ny.gov](mailto:FarmToSchool@agriculture.ny.gov)

All questions must be submitted by **3:00 p.m. on February 6, 2026**. Applicants must note that all clarifications are to be resolved prior to the submission of a proposal. A list of questions about the program which are received from potential applicants, and answers to those questions, as well as any changes, additions or deletions to this Request for Proposals(RFP), will be published in the **Funding Opportunities section of the New York State Department of Agriculture and Markets website (<https://agriculture.ny.gov>)** Such official addenda are the only authorized method used to communicate substantive information, including the clarification or modification of the timeline, terms, or other requirements of this RFP.

All applicants are responsible for keeping informed of any revisions to this invitation. All addenda shall be incorporated into the RFP, which will be part of the awarded contract.

A non-mandatory Informational Workshop will be held **January 7, 2026, at 1:00 pm**. The workshop will be recorded and posted on the Department’s website.

### 3. GENERAL PROGRAM INFORMATION

#### A. Program Description

The objective of the New York State Farm-to-School Competitive Grants Program is to increase school's purchase of New York farm products by building relationships between schools and New York farm product suppliers. Secondary goals of the program include increasing agricultural education opportunities for students, improving nutrition and exposing students to new, local, culinary experiences.

#### B. Funding Available

A total of **\$1,500,000** is available for the Farm-to-School Competitive Grants Program. **\$450,000** will be set aside for first-time recipients. Unused funds from the first-time applicant pool may be rolled over to the rest of applications, if they are not exhausted. Grant awards may range from **\$50,000 to \$150,000**. Applicants may apply for only one grant per funding period. **Applicants must apply for \$50,000 to \$150,000.**

### 4. PROJECT REQUIREMENTS

#### A. Project Plan of Work

The required objective of Farm to School projects for this program is to increase the volume and variety of New York State farm products purchased by schools/districts and served in school meal programs. The target for these increased purchases should be focused towards meeting the qualifications of our [New York State 30% Initiative](#), which enhances the viability of districts in the Farm to School Program by increasing school food reimbursement eligibility by New York State. Applicants are encouraged to include other objectives, including, but not limited to: agricultural and nutrition education gardening activities and relationship building with local agricultural food businesses and farmers. Projects that partner with producers or food processors are strongly encouraged. Applicants may include partners in their project budget as contractors.

Some of the relevant obstacles, considerations, or challenges in achieving the Farm to School Program goals are:

- Seasonality of crops
- Navigating a variety of procurement requirements
- Inconsistent quality, quantity, and sizing
- Processing and packaging
- Bidding: sending and reviewing bids
- Delivery/pick up
- Lack of equipment and skills to store and prepare unprocessed foods
- Connecting diverse populations with their culturally appropriate foods.
- Lack of training and workforce development for culinary staff.

## **B. Eligible Applicants**

Eligible applicants include:

- K-12 School Food Authorities receiving National School Lunch Program funds
- Not-for-profit K-12 Schools not participating in the National School Lunch Program, but still operating a school food program
- Charter schools
- Not-for-profit organizations
- Indian tribal organizations

PLEASE NOTE: Applicants must be **registered and pre-qualified** in SFS. Applicants who are not registered or whose document vaults have expired will be disqualified. See Section 5 below for instructions on registering, qualifying and maintaining pre-qualification. Public schools are exempt from pre-qualification. Registration and pre-qualification may take several weeks to complete, it is recommended to start the process as soon as possible.

## **C. Ineligible Applicants:**

- For-Profit organizations
- Individuals

## **D. School Meal Program**

Projects must focus on increasing the amount and variety of New York State farm products in school meal programs as defined:

- School Meal Program: Feeding programs administered at the school or district level including school lunch, school breakfast, school snack and/or summer meals programs.

## **E. Project Duration**

Proposed projects must be completed within two years of the contract start date. Contract terms will be 9/1/2026 to 8/31/2028.

## **F. Eligible Costs**

Grant funds may be used for any of the following purposes directly related to completion of an eligible project, including but not limited to:

- Salaries and wages including fringe benefits
- Contractor services
- Staff training
- Permanent physical/structural improvements
- Insurance and permits (excluding permit to operate a farmers' market at proposed location)
- Transportation costs within NYS (including the leasing of a vehicle within the contract period)
- Supplies and equipment (must be directly related to the project)

## **G. Ineligible Costs:**

Grant funds may not be used for the following:

- Expenses not related to the grant
- Out-of-state travel
- Food purchases
- Purchase of cell phones
- Rent or lease of property or space
- Purchase of vehicles
- Purchase of computer hardware and office equipment
- Salaries and wages unrelated to the proposal
- Costs associated with preparing an application
- Costs incurred prior to the award of a grant
- Costs supported in whole, or in part, by other State funding (ex. Cornell Cooperative Extensions receiving Regional Farm to School Coordinator awards may not include budget items also in the Regional Coordinator grant.)

## **5. HOW TO APPLY**

### **A. Application Format**

Applications must be submitted through the through the Statewide Financial System Grants Management System (SFS GM), <https://www.sfs.ny.gov/>. All sections of the application must be completed in order for you to submit your digital application.

### **B. Application Content**

Applicants must respond to each of the sections as provided in the Statewide Financial System Grants Management System (SFS GM), <https://www.sfs.ny.gov/> to create each application to be submitted to the Department. Each application is comprised of responses to “Program Specific Questions,” a work plan and budget for the proposed project.

Please be advised that there are space limits for your response to each question in the online application. Evaluation of your application will be limited to review and consideration of only the information contained in your responses comprising your application. Material that is not required or otherwise specifically requested to be included in the application should not be submitted.

### **C. Number of Applications**

Applicants may apply for only one grant per funding period either individually or as a group, per funding cycle.

## D. Accessing the SFS Grants Management System

**All applicants must be registered and pre-qualified in SFS GM to submit an application. Please use this link to register and prequalify.**

<https://grantsmanagement.ny.gov/register-your-organization-sfs>

Public schools are exempt from pre-qualification.

If you have access to login to the SFS Vendor Portal and are interested in applying for this grant, click the Log into SFS and Apply for Grant button to access the SFS Vendor portal.  
<https://www.sfs.ny.gov/>

If you do not have access to the SFS Vendor Portal and if your organization is already established within the SFS Vendor portal, an SFS Delegated Administrator has been authorized within your organization to provision user login credentials, unlock accounts, or reset passwords. Please reach out to your SFS Delegated Administrator directly.

If your organization is not currently doing business with New York State, you will need to submit a Substitute W-9 Form to obtain a New York State SFS Vendor ID, in addition to the Registration Form for Administrators, to register.

If the entity is new to the SFS Vendor portal, does not have a login, and would like to establish an account for the purposes of doing business with the State of New York, contact the SFS Help Desk at 518-457-7717, 855-233-8363 or [HelpDesk@sfs.ny.gov](mailto:HelpDesk@sfs.ny.gov) for more information.

The NYS SFS GM offers a Vendor Manual, training videos and webinars for applicants requiring assistance.

Please visit <https://grantsmanagement.ny.gov/transition-SFS>

**Please Note:** Waiting until the last several days to complete your application online is not recommended, as you may have technical questions. Beginning the process of applying as soon as possible will produce the best results. Late applications will not be accepted. Applications will not be accepted via fax, e-mail, hardcopy, or hand delivery.

## 6. EVALUATION FACTORS

All eligible proposals will be competitively rated by a panel designated by the Department. A total of one hundred (100) points can be achieved from the criteria listed below. The evaluation panel shall consider the following criteria in rating proposals:

### A. Project Description (20 points)

1. Is there a complete description of the school(s), districts, and number of students that will be involved? (5 pts)
2. How well does the project address the increase in volume and variety of New York State farm products procured by schools for inclusion in school meal programs? (10 pts)
3. What are the anticipated positive impacts on New York State farmers and students? (5 pts)

## **B. Plan of Work (25 points)**

1. Is there a clearly described plan of work including a timeline? (5 pts)
2. What are the specific tasks involved in the project? Are they thorough and sufficiently detailed? (5 pts)
3. Is the party responsible for completing each task specified? (5 pts)
4. When will the tasks occur and is the timeline for completion achievable? (5 pts)
5. How will farm to school activities be sustained after the grant ends? (5 pts)

## **C. Reasonableness of Cost (20 Points)**

1. Are the project costs reasonable for the proposed activities? (10 pts)
2. Is the project impact proportional to the budget requested? (10 pts)

## **D. Quantification of Project Benefits (25 points)**

1. Baseline and projected percent increase in dollar amount of New York State farm products procured. (5 pts)
2. Baseline and projected percent increase in the availability of New York State farm products on menu. (5 pts)
3. Baseline and projected percent increase in the number of farmers, producers, distributors and/or food hubs supplying New York State farm products to schools. (5 pts)
4. Baseline and projected number of students educated about New York State farm products. (5 pts)
5. Other Anticipated Project Benefits as described and identified by the applicant. (5 pts)

## **E. Personnel (5 points)**

Is the full project team, including individuals supported by the grant as well as those providing in-kind support, described? What degree of experience do the key persons involved in the project have in grant administration, school food procurement, school wellness committees, developing and fostering project partnerships and/or conducting outreach to New York State farmers? (5 pts)

## **F. Outside Support (5 points)**

What is the level of project support from the school/school district, project partners and farmers? Are the project partners and farmers specified? Is the support they will provide specified? Are letters of support included? (5 pts)

## **7. AWARD PROCESS**

The Department will first screen applications to ensure that they meet eligibility requirements. All proposals deemed eligible by the Department will be evaluated by a panel of Technical Evaluators according to the Evaluation Criteria in Section 6. Scores will be averaged and ranked in order from highest to lowest. Those proposals receiving the highest numerical scores at or above the **scoring threshold of 65**, will be awarded funding from the **\$1,050,000**

pool of funds until available funds from the **\$1,050,000** pool of funds are exhausted, or until all proposals are funded whichever occurs first. After the **\$1,050,000** pool of funds is exhausted, proposals from first-time awardees that score above the scoring threshold will be awarded funding from the separate **\$450,000** pool of funds, in ranked order until such time as that separate pool is exhausted, or until all proposals from first-time-awardees are funded whichever occurs first. Any unused funds from the first-time applicant pool may be rolled over to the rest of applications. First-time awardees are defined as those entities who have not previously received funds from the New York State Farm to School Program.

If a tie occurs between proposals, the first proposal received by the Department will be awarded. If multiple score-tied proposals are received at the same time, applications will be placed into a lottery and winning proposals will be selected at random.

A contract defining all terms, conditions and responsibilities of the successful applicant shall be developed by the Department subsequent to the awarding of funds. The contract will incorporate project details and a budget approved by the Department among its provisions. Upon agreement by the awardee and the Department to the provisions of the contract, it will be submitted for approval to the Attorney General of the State of New York and the Comptroller of the State of New York.

## **8. ADMINISTRATIVE REQUIREMENTS FOR CONTRACTING WITH NEW YORK STATE**

### **A. Worker's Compensation and Disability Insurance**

New York State Workers' Compensation Law sections 57 and 220 require that the Department of Agriculture and Markets not enter into a contract unless proof of Workers' Compensation and Disability Insurance in a form satisfactory to the New York State Workers' Compensation Board has been secured.

Please visit the New York State Workers' Compensation Board website: [www.wcb.ny.gov](http://www.wcb.ny.gov), for more information. You may contact the Board's Bureau of Compliance with any questions related to workers' compensation or disability insurance at (866) 298-7830.

### **B. New York State Charities Bureau Registration**

All not-for-profits organizations contracting with NYS or serving as a fiscal agent must be registered with the New York State Charities Bureau unless a proper exemption is obtained. All applicants must therefore provide either:

- The organization's charitable registration number and written documentation from the Office of the Attorney General that the charitable organization is currently up-to-date with its Charities Registration; or
- A statement from the applicant that the organization is exempt pursuant to one of the categories indicated on the Office of the Attorney General's Request for Registration Exemption (Schedule E). The statement must identify the specific category under which the charitable organization is exempt.

To obtain written documentation of an organization's charities registration status, or if you have questions regarding the statutory requirements for registration, contact the New York State Office of the Attorney General, Bureau of Charities Registration, 120 Broadway, New York, NY 10271-0332, or call (212) 416-8402, email [charities.bureau@oag.state.ny.us](mailto:charities.bureau@oag.state.ny.us) or visit their website at <https://www.charitiesnys.com/home.html>

Eligible 501(c)(3) not-for-profit corporations acting as the applicant must have a New York State Attorney General Charities Bureau Registration number or an Exemption Certificate issued by the New York State Attorney General Charities Bureau explaining why the organization is exempt from registering with the Charities Bureau.

## **9. CONTRACTS & PAYMENT TERMS**

### **A. Contracts**

A contract defining all terms and conditions and responsibilities of the awardee will be developed by the Department after funds have been awarded. The contract will incorporate the work plan and budget included in the awardee's project proposal, among its provisions. Upon execution of the contract by the awardee and the Department, it will be submitted for approval to the Attorney General of the State of New York and the Comptroller of the State of New York.

### **B. New York State Master Contract**

New York State has developed a standard "Master Contract" containing standard clauses required in all State Contracts. The Master Contract will be executed for all projects awarded under the 2026 Farm-to-School Grant Program, and awardees are responsible for complying with the terms and conditions contained therein.

The Master Contract can be found at:

<https://grantsmanagement.ny.gov/system/files/documents/2018/09/sample-complete-nys-mcq.pdf>.

Attachments to the Master Contract will include: (A-1) "Program Specific Terms and Conditions"; (B-3) "Capital Budget"; (C) "Work Plan"; and (D) "Payment and Reporting Schedule".

### **C. Payment**

Once the contract is fully executed, grant funds will be disbursed by reimbursement only. Awardees may request, at the discretion of the Department, an initial payment of up to twenty-five percent (25%) of the total grant award.

The Department shall retain ten percent (10%) of the budget amount to be disbursed to the contractor until such time as the final report is accepted.

A New York State Claim for Payment Form must be submitted to the Department for the contractor to be reimbursed for funds expended.

Payment to the contractor shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner of Agriculture and Markets, at the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary state procedures and practices. The Contractor shall comply with the State Comptroller of New York's procedures to authorize electronic payments. Contractor acknowledges that it will not receive payment on any Claim for Payment Form submitted under this agreement if it does not comply with the State Comptroller of New York's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

## **10. REPORTING REQUIREMENTS**

### **Reimbursement Reports**

The Department will monitor contract performance. A Reimbursement Request Report summarizing work completed on the project shall accompany each Claim for Payment submitted for reimbursement of project expenses. A Reimbursement Request Report template will be provided by the Department to generate the reports.

### **Quarterly Progress Reports**

Awarded applicants will be required to submit Quarterly Progress Reports to the Department to provide timely information on the success of the project. A Quarterly Progress Report template will be provided by the Department to generate the reports. Claim for Payment Forms submitted will not be processed for projects that are not up to date with the filing of their quarterly reports.

### **Final Report**

A Final Report will be required within sixty (60) days following completion of the project. A Final Report template will be provided by the Department to generate the report. The Final Report shall include a detailed description of the work completed; an assessment of the potential for future viability of the project; and a description of problems encountered, if any, which affected completion of the project. In addition, to the Final Report, the Department reserves the right to conduct a follow-up survey of funded projects to determine long-term impacts.

The Department reserves the right to modify reporting requirements during the course of the project.

## **11. LIABILITY**

The Department shall not be held liable for any costs incurred by any party for work performed in the preparation of and production of a proposal or for any work performed prior to the formal execution of a contract.

## **12. OTHER REQUIREMENTS**

### **A. NYS Office of Parks, Recreation & Historic Preservation Requirements**

Projects which include ground-disturbing activities, construction of new buildings, or modification of buildings over 50 years old will be subject to further review by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). The Department reserves the right to request such additional information as is necessary to allow OPRHP to make a determination regarding the potential impacts of the project on historical sites or artifacts and possible alternatives which avoid or mitigate adverse impacts.

### **B. NYS Environmental Quality Review Act Requirements**

Some projects may be subject to review under the New York State Environmental Quality Review Act (SEQRA). The Department reserves the right to request additional information as needed to comply with SEQRA requirements.

### **C. Minority and Women Owned Business Enterprises**

Contractor requirements and procedures for participation by New York State certified minority and women-owned business enterprises and equal employment opportunities for minority group members and women.

#### **New York State Law**

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations the Department of Agriculture and Markets (Department) is required to promote opportunities for the maximum feasible participation of New York State- certified Minority and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of the Department contracts.

#### **Business Participation Opportunities for MWBEs**

For purposes of this solicitation, the Department hereby establishes an overall goal of 30 percent for MWBE participation, 15 percent for New York State-certified Minority-owned Business Enterprise (“MBE”) participation and 15 percent for New York State-certified Women-owned Business Enterprise (“WBE”) participation (based on the current availability of MBEs and WBEs). A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, the respondent agrees that the Department may withhold payment pursuant to any Contract awarded as a result of his RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how the Department will evaluate a Contractor’s “good faith efforts,” refer to 5 NYCRR § 142.8.

The respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. [FOR CONSTRUCTION CONTRACTS – The portion of a contract with an MWBE serving as a supplier that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60

percent of the total value of the contract. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE]. [FOR ALL OTHER CONTRACTS - The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25 percent of the total value of the contract.]

In accordance with 5 NYCRR § 142.13, the respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this RFP, such finding constitutes a breach of contract and the Department may withhold payment as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between:

(1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting the Department’s MWBE Liaison at 518-485-8740 or [SupplierDiversity@agriculture.ny.gov](mailto:SupplierDiversity@agriculture.ny.gov). All MWBE Forms and Instructions are included in the Submission Documents.

Additionally, a respondent will be required to submit the following documents and information as evidence of compliance with the foregoing:

1. An MWBE Utilization Plan with their bid or proposal. Any modifications or changes to accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to the Department for review and approval.

The Department will review the submitted MWBE Utilization Plan and advise the respondent of the Department acceptance or issue a notice of deficiency within 30 days of receipt.

2. If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the Department of Agriculture and Markets, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by the Department to be inadequate, the Department shall notify the respondent and direct the respondent to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

The Department may disqualify a respondent as being non-responsive under the following circumstances:

- a. If a respondent fails to submit an MWBE Utilization Plan;
- b. If a respondent fails to submit a written remedy to a notice of deficiency;
- c. If a respondent fails to submit a request for a waiver; or
- d. If the Department determines that the respondent has failed to document good faith efforts.

The successful respondent will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to the Department but must be made no later than prior to the submission of a request for final payment on the Contract.

The successful respondent will be required to submit a quarterly M/WBE Contractor Compliance and Payment Report to the Department, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

### **Equal Employment Opportunity Requirements**

By submission of a bid or proposal in response to this solicitation, the respondent agrees with all the terms and conditions of [Appendix A – Standard Clauses for All New York State Contracts including Clause 12 - Equal Employment Opportunities for Minorities and Women. The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The respondent will be required to submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement, (See Submission Documents, Form MWBE EE01), to the Department with its bid or proposal.

If awarded a Contract, the respondent shall submit a Workforce Utilization Report and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by the Department on a quarterly basis during the term of the Contract.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and subcontractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status,

and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of a prior criminal conviction and prior arrest.

**Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.**

#### **D. Student Meal Charge Policy**

Applicants responding to this Request for Proposals must be familiar with and in compliance with all state and federal requirements related to unpaid meal charges. This includes, but is not limited to, USDA memo SP 23-2017 “Unpaid Meal Charges; Guidance and Q&A”, March 23, 2017 and New York State Education Department Memorandum “Student Meal Charge Policy” from Paula Tyner-Doyle, Coordinator to School Food Authorities dated May 30, 2017.

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

Article 17-B of the New York State Executive Law 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. The Department 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 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, Contractors are expected to consider SDVOBs in the fulfillment of the requirements of the Agreement. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

#### **F. Contract Goals**

1. The Department hereby establishes an overall goal of 6% for SDVOB participation, based on the current availability of qualified SDVOBs. For purposes of providing meaningful participation by SDVOBs, Contractor should reference the directory of New York State Certified SDVOBs found at: <https://online.ogs.ny.gov/SDVOB/search>. Questions regarding compliance with SDVOB participation goals should be directed to the Department’s Supplier Diversity Liaison at [supplierdiversity@agriculture.ny.gov](mailto:supplierdiversity@agriculture.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 Agreement.

2. Contractor must document “good faith efforts” to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of the Agreement (see clause IV below).

### **G. SDVOB Utilization Plan**

1. In accordance with 9 NYCRR § 252.2(i), Contractor agrees to submit a completed SDVOB Utilization Plan on Form SDVOB 100 at such time as shall be required by the Department.
2. The Utilization Plan shall list the SDVOBs that Contractor intends to use to perform the Agreement, a description of the work that Contractor intends the SDVOB to perform to meet the goals on the Agreement, the estimated dollar amounts to be paid to an SDVOB, or, if not known, an estimate of the percentage of Contract work the SDVOB will perform. By signing the Utilization Plan, Contractor acknowledges that making false representations or providing information that shows a lack of good faith as part of, or in conjunction with, the submission of a Utilization Plan is prohibited by law and may result in penalties including, but not limited to, termination of the Agreement for cause, loss of eligibility to submit future bids, and/or withholding of payments. Any modifications or changes to the agreed participation by SDVOBs during the term of the Agreement must be reported on a revised SDVOB Utilization Plan and submitted to the Department.
3. The Department will review the submitted SDVOB Utilization Plan and advise Contractor of the Department's acceptance or issue a notice of deficiency within 20 days of receipt.
4. If a notice of deficiency is issued, Contractor agrees that it shall respond to the notice of deficiency, within seven business days of receipt, by submitting to the Department a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by the Department to be inadequate, the Department shall notify Contractor and direct Contractor to submit, within five business days of notification by the Department, a request for a partial or total waiver of SDVOB participation goals on SDVOB 200. Failure to file the waiver form in a timely manner may be grounds for a determination of non-responsibility by the Department.
5. The Department may deem Contractor non-responsive under the following circumstances
  - i. If Contractor fails to submit an SDVOB Utilization Plan;
  - ii. If Contractor fails to submit a written remedy to a notice of deficiency;
  - iii. If Contractor fails to submit a request for waiver; or
  - iv. If the Department determines that Contractor has failed to document good faith efforts.
6. Contractor certifies that it will follow the submitted SDVOB Utilization Plan for the performance of SDVOBs on the Agreement pursuant to the prescribed SDVOB

contract goals set forth above.

7. Contractor further agrees that a failure to use SDVOBs as agreed in the Utilization Plan shall constitute a material breach of the terms of the Agreement. Upon the occurrence of such a material breach, the Department shall be entitled to any remedy provided herein, including but not limited to, a finding of Contractor non-responsibility

#### **H. Request for Waiver**

1. Prior to submission of a request for a partial or total waiver, Contractor shall speak to the Department's Supplier Diversity Liaison for guidance.
2. In accordance with 9 NYCRR § 252.2(m), a Contractor that is able to document good faith efforts to meet the goal requirements, as set forth in clause IV below, may submit a request for a partial or total waiver on Form SDVOB 200, accompanied by supporting documentation. Contractor may submit the request for waiver at the same time it submits its SDVOB Utilization Plan. If a request for waiver is submitted with the SDVOB Utilization Plan and is not accepted by the Department at that time, the provisions of clauses II (C),(D) & (E) will apply. If the documentation included with Contractor's waiver request is complete, the Department shall evaluate the request and issue a written notice of acceptance or denial within 20 days of receipt.
3. Contractor shall attempt to utilize, in good faith, the SDVOBs identified within its SDVOB Utilization Plan, during the performance of the Agreement. Requests for a partial or total waiver of established goal requirements may be made at any time during the term of the Agreement to the Department but must be made no later than prior to the submission of a request for final payment on the Agreement.
4. If the Department, upon review of the SDVOB Utilization Plan and Monthly SDVOB Compliance Report (SDVOB 101), determines that Contractor is failing or refusing to comply with the contract goals and no waiver has been issued in regards to such non-compliance, the Department may issue a notice of deficiency to Contractor. Contractor must respond to the notice of deficiency within seven business days of receipt. Such response may include a request for partial or total waiver of SDVOB contract goals. Waiver requests should be sent to the Department.

#### **I. Required Good Faith Efforts**

In accordance with 9 NYCRR § 252.2(n), Contractors must document their good faith efforts toward utilizing SDVOBs on the Agreement. Evidence of required good faith efforts shall include, but not be limited to, the following:

1. Copies of solicitations to SDVOBs and any responses thereto.
2. Explanation of the specific reasons each SDVOB that responded to Contractor's solicitation was not selected.
3. Dates of any pre-bid, pre-award or other meetings attended by Contractor, if any, scheduled by the Department with certified SDVOBs whom the Department determined were capable of fulfilling the SDVOB goals set in the Agreement.

4. Information describing the specific steps undertaken to reasonably structure the Agreement scope of work for the purpose of subcontracting with, or obtaining supplies from, certified SDVOBs.
5. Other information deemed relevant to the waiver request.

#### **J. Monthly SDVOB Contractor Compliance Report**

In accordance with 9 NYCRR § 252.2(q), Contractor is required to report Monthly SDVOB Contractor Compliance to the Department during the term of the Agreement for the preceding month's activity, documenting progress made towards achieving the Contract SDVOB goals. This information must be submitted using form SDVOB 101 and should be completed by Contractor and submitted to the Department Supplier Diversity Liaison, by the 10th day of each month during the term of the Agreement, for the preceding month's activity to: [supplierdiversity@agriculture.ny.gov](mailto:supplierdiversity@agriculture.ny.gov).

#### **K. Breach of Contract and Damages**

In accordance with 9 NYCRR § 252.2(s), any Contractor found to have willfully and intentionally failed to comply with the SDVOB participation goals set forth in the Agreement, shall be found to have breached the contract and Contractor shall pay damages as set forth therein. ALL FORMS ARE AVAILABLE AT: <https://ogs.ny.gov/veterans/>

### **13. OTHER CONSIDERATIONS**

The Department reserves the right to:

- Reject any or all proposals received with respect to this RFP;
- Waive or modify minor irregularities in proposals received after prior notification and concurrence of the applicant;
- Utilize any or all ideas submitted in the proposals received unless those ideas are covered by legal patent or proprietary rights;
- Request from an applicant additional information as deemed necessary to more fully evaluate its proposal;
- Amend the program's specifications after their release, with appropriate written notice posted on the Department's website;
- Select only certain portions of proposals for state funding;
- Make all final decisions with respect to the amount of State funding and the timing of payments to be provided to an applicant; and
- Negotiate the terms of the budget.
- All proposals submitted in response to this RFP will become the property of the New York State Department of Agriculture and Markets.

#### 14. FREEDOM OF INFORMATION

All proposals submitted and all related contracts and reports may be subject to disclosure under the Freedom of Information Law.

#### 15. DEBRIEFING

Pursuant to section 163(9)(c) of the State Finance Law, an unsuccessful bidder has the right to a debriefing regarding the reasons its application was not selected for award. Upon request, the Department will provide a debriefing to any unsuccessful applicant as to the reasons that the proposal submitted was not selected for an award. To request a review of an unsuccessful application, contact John Ross, Division of Fiscal Management, via e-mail at [procurement.info@agriculture.ny.gov](mailto:procurement.info@agriculture.ny.gov). A review should be requested by an unsuccessful applicant within fifteen (15) calendar days of the date of the notice that its proposal was not selected for an award.

#### 16. BID PROTEST PROCEDURES

Bidders who receive a notice of non-award may protest the award decision subject to the following:

- A. The protest must be in writing and must contain specific factual and/or legal allegations setting forth the basis on which the protesting party challenges the contract award by the Department.
- B. The protest must be filed within ten (10) business days of receipt of a debriefing, or ten (10) business days of receipt of the notice of non-award, whichever is later. The protest letter must be filed with John Ross at:

NYS Department of Agriculture and Markets  
Division of Fiscal Management  
10B Airline Drive  
Albany, NY 12235

Or via email: [procurement.info@agriculture.ny.gov](mailto:procurement.info@agriculture.ny.gov)

- C. The Department's Division of Fiscal Management will convene a review team that will include at least one staff member from each of: the Department's Counsel's Office, the Department's Division of Fiscal Management, and the Department's Division of Agricultural Development. The review team will review and consider the merits of the protest and will decide whether the protest is approved or denied. Counsel's Office will provide the bidder with written notification of the review team's decision within fourteen (14) business days of receipt of the protest. The original protest and decision will be filed with OSC when the contract procurement record is submitted for

approval, and Fiscal Management will advise OSC that a protest was filed.

- D.** Fiscal Management in consultation with Counsel's Office may summarily deny a protest that fails to contain specific factual or legal allegations, or where the protest only raises issues of law that have already been decided by the courts. An unsuccessful bidder may also protest the award by filing a protest, in writing, with:

The Office of the State Comptroller  
Bureau of Contracts  
110 State Street, 11th Floor  
Albany, New York 12236

More information on the Office of the State Comptroller's (OSC) Contract Award Protest Procedures can be found in OSC's Guide to Financial Operations (GFO), Chapter XI.17, available on the internet at <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>.