

State of Hawaii
Department of the Attorney General
Crime Prevention and Justice Assistance Division
Grants and Planning Branch

Addendum 2

April 5, 2016

To

Request for Proposals

RFP Number: AG-CPJAD-VOCA-2015-VA
Victims of Crime Act
Victims Assistance Grant Program
March 4, 2016

April 5, 2016

ADDENDUM NO. 2

To

**REQUEST FOR PROPOSALS
Victims of Crime Act Victims Assistance Grant Program
RFP No. AG-CPJAD-VOCA-2015-VA**

The Department of the Attorney General, Crime Prevention and Justice Assistance Division, Grants and Planning Branch is issuing this addendum to RFP No. AG-CPJAD-VOCA-2015-VA, Victims of Crime Act Victims Assistance Grant Program for the purposes of:

- Responding to questions that arose at the orientation meeting of March 18, 2016 and written questions subsequently submitted in accordance with Section 1.8 of the RFP.**
- Amending the RFP.**
- Final Revised Proposals

The proposal submittal deadline:

- is amended to ____.
- is not amended.**
(NOTE: The proposal submittal deadline was extended to April 20, 2016 in Addendum No. 1, which was posted on March 30, 2016.)
- for Final Revised Proposals is ____.

Attached is (are):

- A summary of the questions raised and responses for purposes of clarification of the RFP requirements.**
- Amendments to the RFP.**
- Details of the request for final revised proposals.

Please be aware that the Amended RFP, dated April 5, 2016, posted to the State Procurement Office website supersedes the RFP posted on March 4, 2016. The Amended RFP, dated April 5, 2016, incorporated the amendments detailed in Addendum No. 1 (March 30, 2016) and Addendum No. 2 (April 5, 2016).

If you have any questions, contact:

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Responses to Questions Raised by Applicants

For

RFP No. AG-CPJAD-VOCA-2015-VA
Victims of Crime Act Victims Assistance Grant Program
(Date Issued: March 4, 2016)

The Department of the Attorney General, Crime Prevention and Justice Assistance Division, Grants and Planning Branch is issuing this addendum to RFP No. AG-CPJAD-VOCA-2015-VA, Victims of Crime Act Victims Assistance Grant Program, for the purposes of responding to questions that arose at the March 18, 2016 orientation meeting and written questions subsequently submitted in accordance with Section 1.8, of the RFP.

Potential applicants were informed at the orientation, as well as in Section 1.7 of the RFP, that “Formal official responses will be provided in writing. To ensure a written response, any oral questions should be submitted in writing following the close of the orientation but no later than the submittal deadline for written questions indicated in subsection 1.8, Submission of Questions.”

SECTION 1 – ADMINISTRATIVE OVERVIEW

1. Question: Are multiple proposals from the same agency for different services allowed?

Response:

This is a clarification question regarding Section 1.9.C. and Section 2.3.C.

Answer:

Yes, an agency/organization may submit multiple proposals for different services under this RFP.

Rationale:

Section 1.9.C. provides that multiple proposals shall not be accepted unless specifically provided for in Section 2 and Section 2.3.C. permits multiple or alternate proposals. Applicants are advised to review the requirements in Section 2.3.C. when submitting multiple proposals.

2. Question: Is there a waiver to the paper-copy responses required by the solicitation?

Response:

This is a clarification question regarding Section 1.9.H.

Answer:

No, the Department will not issue any waivers to the proposal submission requirement. As a result, to be considered a complete proposal, an application submission must contain the original proposal, hard copies of the proposal and exhibits and electronic copies of the proposal and exhibits, as listed on the Proposal Mail-In and Delivery Information Sheet. The Proposal Mail-In and Delivery Information Sheet is located on the page before the RFP Table of Contents.

SECTION 2- SERVICE SPECIFICATIONS

3. Question: May a sitting member of the VOCA Advisory Group submit a proposal in response to this RFP?

Response:

This is a clarification question regarding Section 2.1.A. and Section 2.1.B.

Answer:

Yes, a sitting member of the VOCA Advisory Group may submit a proposal.

Rationale:

The Department convened the VOCA Advisory Group to engage key members of the victim services community to evaluate the possible funding priorities to respond to the gaps and needs faced by the victim services providers. The Department has determined that the information regarding the RFP that was provided at the meetings was not substantive or specific and does not provide an unfair advantage to organizations who are members of the Advisory Group.

4. Question: May the maximum award amount be used for a shorter period of time (less than 24 months)?

Response:

This is a clarification question regarding Section 2.1.F.

Answer:

Yes, the maximum total award of \$500,000 may be expended in less than 24 months, but no more than \$250,000 may be expended within first 12 months of the contract.

Rationale:

If an applicant receives an award of \$500,000, the maximum annual budget is \$250,000. Because the annual budget is capped at \$250,000, the applicant may not spend more than \$250,000 in the first 12 months of the contract. After the first 12 months of the contract, the applicant may expend the remaining \$250,000 during the remaining period of time, but not to exceed June 30, 2018.

5. Question: Are minors adjudicated as status offenders deemed “offenders” under VOCA?

Response:

This is a clarification question regarding Section 2.1.G.b. A written question was not submitted but the Department is providing a written response because the Department did not provide a response during the orientation.

Answer:

No, status offenders are not deemed to be “offenders” that are ineligible to receive VOCA-funded services.

Rationale:

A status offender is “any child coming within the family court’s jurisdiction under section 571-11(2)(B), (C), or (D).” Hawaii Revised Statutes § 571-2. Section 571-11(2), Hawaii Revised Statutes, provides in part “that the court shall have exclusive original jurisdiction in proceedings . . . Concerning any child living or found within the circuit . . . (B) Who is beyond the control of the child’s parent or other custodian or whose behavior is injurious to the child’s own or others’ welfare; (C) Who is neither attending school nor receiving educational services required by law whether through the child’s own misbehavior or nonattendance or otherwise; or (D) Who is in violation of curfew.”

In family court proceedings, “no adjudication by the court of the status of any child under this chapter shall be deemed a conviction . . . [and] no child shall be found guilty or be deemed a criminal by reason of such adjudication.” Hawaii Revised Statutes § 571-1.

Beyond the statutory language in HRS § 571-1, the Department declines to construe a minor adjudicated of a status offense as an “offender” for

purposes of excluding the minor from receiving VOCA-funded services for two reasons:

- The activity/activities engaged in by a status offender is not illegal conduct when committed by an adult; and
- Because status offenders are typically seen as individuals in need of supervision rather than individuals in need of criminal punishment, it would not make sense to categorize such minors as criminal offenders.

Status offenses differ from violations of law in that activities that are considered to be status offenses when conducted by a minor would not be considered an offense if the same activities were conducted by an adult, whereas violations of law are acts considered to be illegal regardless of the age of the person committing the act. Hawaii Revised Statutes § 571-2 (“any child coming within the family court's jurisdiction . . . Such child is distinguished from (A) a law violator . . . who comes into the family court upon allegations such person has committed an act which would constitute a crime if committed by an adult”).

The rationale behind status offenses is that minors need to be protected from certain activity because such activity may be harmful, given a minor’s age, experience, and judgment. As a result, minors adjudicated of status offenses are generally construed by family court/juvenile justice systems to be minors in need of supervision rather than criminal offenders. This view is consistent with the Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002, which requires states to comply with several core requirements, including the deinstitutionalization of status offenders. *See* Office of Youth Services, State of Hawaii Department of Human Services, The Hawaii Juvenile Justice State Advisory Council. <http://humanservices.hawaii.gov/oys/jjsac/> (last accessed: March 29, 2016). This view is further seen in the Juvenile Accountability Block Grant (JABG) Program, which emphasizes supervision rather than incarceration, with every county in the State of Hawaii making efforts to deinstitutionalize status offenders by implementing alternatives to the institutionalization of such minors. *See id.*

6. Question: Are minors held in a facility for a status offense considered “incarcerated” and, therefore, ineligible to receive VOCA-funded services?

Response:

This is a clarification question regarding Section 2.1.G.b. A written question was not submitted but the Department is providing a written response because the Department did not provide a response during the orientation.

Answer:

Yes, minors held in a facility are considered to be “incarcerated” for purposes of being deemed ineligible for VOCA-funded services.

Rationale:

For purposes of the VOCA grant, “incarcerated” refers to the physical location of an individual. The reason for an individual being held or placed in the facility is immaterial.

7. Question: Regarding the 30% in non-federal funds required for applicants unable to demonstrate a record of providing effective services to crime victims, what kind of funds would the state administering agency expect?

Response:

This is a clarification question regarding Section 2.3.A.1.b.

Answer:

To satisfy RFP Section 2.3.A.1.b., funds from non-federal sources may include grants from state or local government or private contributions. The funds may support any aspect of the organization’s operation.

Rationale:

The only restriction placed on the funds used to satisfy the requirement in RFP Section 2.3.A.1.b. is that the funds must come from non-federal sources:

An applicant that is unable to demonstrate a record of providing effective services to crime victims may be eligible to receive VOCA funding if it can demonstrate that 30 percent (30%) of its financial support comes from non-federal sources.

Accordingly, the funds used to satisfy the requirement of Section 2.3.A.1.b. may come from state or local government appropriations or private or charitable financial contributions.

Because the VOCA federal regulations are silent regarding the use of the funds designated to satisfy the 30% non-federal funds financial support requirement, the funds used to satisfy this requirement in Section 2.3.A.1.b. may fund any portion of the applicant’s operation.

8. Question: Applicants are required to show (a) 20% matching funds; and (b) for those organizations that are unable to demonstrate a record of providing effective services to crime victims, 30% of its financial support from non-federal sources. May some or all of the 20% matching funds be used to satisfy the 30% non-federal funds requirement?

Response:

This is a clarification question regarding two sections of the RFP: Section 2.3.A.1.b. (non-federal financial support for organizations unable to demonstrate a record of providing effective services to crime victims) and Section 2.3.A.1.c. (matching contribution).

Answer:

Yes, the cash portion of the 20% matching contributions may be used to satisfy both the matching contribution requirement (Section 2.3.A.1.b.) and a portion of the 30% non-federal funds requirement (Section 2.3.A.1.c.). However, applicants should not assume that the 20% matching requirement is automatically satisfied by satisfying the 30% non-federal funds requirement.

Rationale:

The only restriction placed on the funds used to satisfy the requirement in RFP Section 2.3.A.1.b. is that the funds come from non-federal sources:

An applicant that is unable to demonstrate a record of providing effective services to crime victims may be eligible to receive VOCA funding if it can demonstrate that 30 percent (30%) of its financial support comes from non-federal sources.

VOCA federal regulations do not prohibit the funds used to satisfy Section 2.3.A.1.b. from being used for other purposes, such as satisfying VOCA's 20% matching contributions requirement.

However, applicants should be aware that Section 2.3.A.1.c. placed specific requirements on the 20% matching contributions:

The applicant shall demonstrate that it is capable of providing matching contributions of 20 percent (20%) – cash or in-kind – of the total cost of each VOCA project . . . All funds designated as match funds are restricted to the same uses as the VOCA Grant funds and shall be expended within the grant period.

(Emphasis added.)

Because the funds used to satisfy the 30% non-federal funds requirement may be used to pay for expenses that would be deemed ineligible under VOCA, and because the VOCA matching funds are restricted to the same uses (in other words, eligible expenses) as the VOCA funds, an applicant that satisfies the 30% non-federal funds requirement may not necessarily satisfy the 20% matching funds requirement.

9. Question: The definition of “victim of child abuse” requires, in part, that the age of the victim be 17 years old or younger. For purposes of receiving funding under the child abuse set aside, must the services to a victim of child abuse be rendered when the victim is a child or may services extend beyond the victim’s 18th birthday?

Response:

This is a clarification question regarding Section 2.4.A.6. A written question was not submitted but the Department is providing a written response because the Department did not provide a response during the orientation.

Answer:

To qualify for payment by VOCA funds under the child abuse set aside, services must be rendered to a victim of child abuse (i.e., the services must be rendered when the victim is 17 years old or younger).

Rationale:

The Department considers only the services rendered to a victim of child abuse before the victim’s 18th birthday to be services that may be paid for with VOCA funds under the child abuse set aside. The Department will not consider those services rendered to a victim of child abuse after the victim’s 18th birthday to be services that may be payable under the child abuse set aside, even if the course of treatment/services began prior to the victim’s 18th birthday.

Programs that provide services to a victim of child abuse after the victim’s 18th birthday may still be receive VOCA funds for such services, but such a program would not be eligible to receive VOCA funds under the child abuse set aside.

10. Question: Are the set aside amounts – \$500,000 for the child abuse set aside and \$300,000 collectively for the geographic set aside – to be spent over 12-months or 24-months?

Response:

This is a clarification question regarding Section 2.4.A.6. and Section 2.4.A.7.

Answer:

An applicant receiving an award under either the child abuse set aside or the geographic set aside may expend the award amount up to a 24-month period, provided no more than \$250,000 may be expended within the first 12 months of the contract. Applicants should also keep in mind that annual budgets may not be less than \$50,000 per year.

SECTION 3 – PROPOSAL APPLICATION INSTRUCTIONS

11. Question: How does an applicant respond to Part K of the Title Page if the applicant has already secured/confirmed other sources of funding, and the VOCA funds are being sought to expand and enhance the project?

Response:

This is a clarification question regarding section 3.4.

Answer:

If an application has been submitted to other funding sources and funding has already been secured, the name of the source agency and the amount secured should be detailed in Part K of the Title Page.

In such a case, the project narrative should explain how the VOCA funds would be used to expand and enhance the project. Please be aware that the VOCA funds cannot provide duplicative federal funding for a project and that federal funds cannot supplant state or local funding.

12. Question: How should an applicant document its match contribution?

Response:

This is a clarification question regarding Section 3.5.A.

An applicant’s matching contribution is part of a project’s cost proposal and, therefore, will be evaluated as part of the project’s pricing structure.

Matching contributions should be documented and clearly identified as matching contributions in the applicable budget forms. For example, if \$25,000 in salaries is being provided by the applicant as the matching contribution, it should be shown on the budget forms SPO-H-205 and SPO-H-206A with an explanation of the matching contribution in the “Justification/Comments” section on SPO-H-206A (see examples below).

Applicants should remember that matching contributions are restricted to the same uses as the VOCA Grant funds. Therefore, the explanation in the “Justification/Comments” section should demonstrate that items being used as matching contribution adhere to the requirements for matching contributions.

Example:

VOCA Grant (Budget Request)	= \$100,000
<u>Matching Contribution</u>	<u>= \$ 25,000</u>
Total Project Cost	= \$125,000

Verification of Matching Contribution = 20% of \$125,000 = \$25,000

Form SPO-H-206A:

POSITION NO.	POSITION TITLE	FULL TIME EQUIVALENT TO ORGANIZATION	ANNUAL SALARY INCLUDING BUDGETED SALARY INCREASE A	% OF TIME BUDGETED TO THE CONTRACT B	TOTAL SALARY BUDGETED TO THE CONTRACT A x B
1	Employee A	1.00	40000.00	50.00%	20,000
2	Employee B (Matching Contribution)	0.50	50000.00	30.00%	15,000
3	Employee C (Matching Contribution)	0.50	20000.00	50.00%	10,000

Form SPO-H-205:

BUDGET CATEGORIES	Budget Request (a)	Matching Contribution (b)	(c)	(d)
A. PERSONNEL COST				
1. Salaries	20,000	25,000		
2. Payroll Taxes & Assessments				
3. Fringe Benefits				
TOTAL PERSONNEL COST	20,000	25,000		
B. OTHER CURRENT EXPENSES				
1. Airfare, Inter-Island	500			
2. Airfare, Out-of-State				
3. Audit Services				
4. Contractual Services - Administrative				
5. Contractual Services - Subcontracts	65,000			
6. Insurance				
7. Lease/Rental of Equipment				
8. Lease/Rental of Motor Vehicle				
9. Lease/Rental of Space				
10. Mileage				
11. Postage, Freight & Delivery				
12. Publication & Printing				
13. Repair & Maintenance				
14. Staff Training	11,000			
15. Substance/Per Diem				
16. Supplies	3,000			
17. Telecommunication				
18. Transportation	500			
19. Utilities				
20.				
21.				
22.				
23.				
TOTAL OTHER CURRENT EXPENSES	80,000			
C. EQUIPMENT PURCHASES				
D. MOTOR VEHICLE PURCHASES				
TOTAL (A+B+C+D)	100,000	25,000		
SOURCES OF FUNDING		Budget Prepared By:		
(a) Budget Request	100,000	Name (Please type or print)		Phone
(b) Matching Contribution	25,000	Signature of Authorized Official		Date
(c)		Name and Title (Please type or print)		
(d)		For State Agency Use Only		
TOTAL REVENUE	125,000	Signature of Reviewer		Date

13. Question: If an applicant does not have a financial audit because it is not required to conduct one under the state's charity law, what documentation may an applicant submit in lieu of the financial audit?

Response:

This is a clarification question regarding Section 3.5.B.

Answer:

See Amendment to Section 3.5.B. of the RFP.

SECTION 4 – PROPOSAL EVALUATION

No written questions.

SECTION 5 – ATTACHMENTS

14. Question: On the Proposal Application Checklist, there are two FY 2015 VOCA Special Conditions forms listed as "Required by the Purchasing Agency." Are both required to be submitted by an applicant?

Response:

This is a clarification question to Section 5, Attachment A.

An agency/organization is not required to submit both forms; an agency/organization is required to submit only those forms and certifications that are applicable to the agency/organization. Regarding the Acceptance of Special Conditions Certifications, non-profit organizations should submit the certification entitled "Acceptance of VOCA Special Conditions (for 103F contracts) (Non-Profit Applicants)" and government agencies should submit the certification entitled "Acceptance of VOCA Special Conditions (Government Applicants)."

15. Question: Regarding Form SPO-H-205A and SPO-H-205B, the Proposal Application Checklist indicates that there are special instructions in section 5, but there are no instructions for completion in Section 5 regarding either of these forms. Do non-profit organizations need to submit the program budget (if applicable) or a budget for all of the agency's programs?

Response:

This is a clarification question to Section 5, Attachment A.

Answer:

Form SPO-H-205 is the form to detail how the requested VOCA funds and match contribution will be expended by the applicant. Forms SPO-H-205A and SPO-H-205B are the forms to detail an Organization-

Wide Budget by Source of Funds and an Organization-Wide Budget by Programs. All applicants, therefore, will need to submit SPO-H-205, SPO-H-205A, and SPO-205B.

Rationale:

Under the Reference in RFP column for the SPO-H-205A and SPO-H-205B sections, “Section 3, RFP” is listed as the “Reference in RFP” that discusses SPO-H-205A and SPO-H-205B. Within Section 3 of the RFP, the special instructions were located in Section 5, which meant to identify the fifth section in Section 3, or Section 3.5. Section 3.5 provides, in part, that the “following budget forms shall be submitted with the Proposal Application: SPO-H-205 (submit one for each annual budget); SPO-H-205A; SPO-H-205B.” Because of the confusion, the checklist has been amended. Please see the amendment to Section 5, Attachment A.

Amendments

For

RFP No. AG-CPJAD-VOCA-2015-VA
Victims of Crime Act Victims Assistance Grant Program
(Date Issued: March 4, 2016)

The Department of the Attorney General, Crime Prevention and Justice Assistance Division, Grants and Planning Branch is issuing this addendum to RFP No. AG-CPJAD-VOCA-2015-VA, Victims of Crime Act Victims Assistance Grant Program, for the purposes of amending the RFP as follows:

Section & Subsection	Page	Amendment
Section 1 – Administrative Overview		
		No changes
Section 2 – Service Specifications		
		No changes
Section 3 – Proposal Application Instructions		
3. Proposal Application Section	3-2	Under the third bullet point, the last line of the chart of contains a typographical error. The line has been revised as follows: Exhibit F <u>H</u> : Certifications
3.5.A. Pricing Structure	3-13	The second bullet point has been revised as follows: The budget narrative should <u>shall be included on the SPO budget forms or on be</u> a separate page after the budget forms. It should <u>The budget narrative shall</u> show how the expenditures will support the project activities and be listed in the same order as the budget detail <u>forms</u> .

Section & Subsection	Page	Amendment
3.5.B. Other Financial Related Materials – Accounting System	3-13	<p>The following shall be added after the first paragraph of the section:</p> <p>If an applicant is unable to provide a financial audit, the applicant shall collectively attach documentation of its accounting system, including but not limited to documentation of its assets and liabilities, revenues and expenses, cash flow, accounting method, and internal controls/safeguards and compliance over financial reporting, as <u>Exhibit F</u> in lieu of the financial audit.</p>

Section 4 – Proposal Evaluation

No changes

Section 5 - Attachments

Attachment A N/A The Proposal Application Checklist has been amended to include the underlined text for Items SPO-H-205A and SPO-H-205B:

Special Instructions are in Section 3.5.

The Proposal Application Checklist has been amended to add the following:

Item: Drug-Free Workplace Certification Requirements (State Government applicants) (Reference in RFP: Section 5, RFP; Format/Instructions Provided: AG CPJA Website; Required by Purchasing Agency: As applicable)

Attachment C N/A The following certification has been added:

Drug-Free Workplace Requirements