

South Dakota Department of Labor and Regulation
Adult Education and Literacy Program
Responses to *Written Inquiries* for RFP # 876
17 March 2017

➤ Section 1.5. Is there a specific format an Applicant should use for the Letter of Intent?

There is not a specific format for the Letter of Intent; however, the Letter of Intent must be submitted before 5pm CST on March 03, 2017. Furthermore, the Letter of Intent should include an email address for the potential Applicant's point of contact; the letter should be emailed to John Anderson with the subject line as *Letter of Intent for RFP # 876*.

➤ Section 1.7. Should an Applicant print 5 copies of the Award Proposal [for 5 separate envelopes], or is only 1 copy of the Award Proposal required?

Only one copy of the *Award Proposal* is required, unless the Applicant submits multiple proposals or submits a proposal with multiple, discrete programs. However, an original and four identical copies of the application must be submitted to the Agency—along with one digital copy of the Applicant's entire proposal.

➤ Section 1.11. Will the Applicants receive responses to their written questions prior to the Applicants' Conference?

As noted in RFP §1.6, *Responses to Written Inquiries* shall be sent by March 17, 2017. This guidance will be a comprehensive set of responses to all written inquiries received by 5pm Central on March 10, 2017.

➤ Section 3.0. How many pages should the "Scope of Work" detailed response be? This page limit would include statement of need, goals and objectives, program activity plan, and program evaluation plan.

The Agency cannot quantify the pages an Applicant might need to sufficiently detail the Applicant's Statement of Need, Goals and Objectives, Program Activity Plan, and Program Evaluation Plan.

➤ Section 4.3.1. Does the Agency consider it a conflict of interest if an Applicant currently has an agreement with the Agency for various related [and non-related] services?

A conflict of interest may not necessarily exist on the sole basis that an Applicant is currently under an agreement with the Agency to assist in various AEFLA or non-AEFLA activities. However, until a Sub-Recipient Risk Assessment and Conflict of Interest Review are conducted, it would prove premature to speculate. The agency recommends an Applicant err on the side of caution by disclosing in its proposal any potential [or perceived] conflict. As noted in RFP §4.3.1, having a conflict of interest does not necessarily exclude an entity from receiving a grant, although a waiver may be required.

- Section 4.3.1. It is possible that some spouses of an Applicant's employees may be employed by the State of South Dakota in some capacity. Should this section describe the intersection between any Applicant employees and State employees, or just the Applicant staff who would be responsible for the performance of this grant? Would this also apply to spouses of Applicant board members?

The State's conflicts of interest laws, which can be found in SDCL 5-18A-17 to 5-18A-17.6, prohibit current and certain former state officers and employees from contracting with state agencies and from deriving benefits from contracts with outside entities when the state officer or employee had substantial involvement in recommending, awarding or administering the contract. These prohibitions apply to persons who supervise state officers or employees who award and administer contracts. Pursuant to SDCL 5-18A-17.1, a state officer or employee derives a benefit from a contract occurs when a state officer or employee and/or his or her spouse or any other person with whom the officer or employee lives and commingles, or combines assets:

- Has more than a five percent ownership or other interest in an entity that is a party to the contract;
- Derives income, compensation, or commission directly from the contract or from the entity that is a party to the contract;
- Acquires property under the contract; or
- Serves on the board of directors of a for-profit entity that derives income or commission directly from the contract or acquires property under the contract.

A state officer or employee does not derive a direct benefit from a contract based solely on the value associated with the officer's or employee's investments or holdings, or the investments or holdings of other persons with whom the state officer or employee lives and commingles assets.

If an Applicant is unsure regarding whether a conflict of interest exists, the Applicant may want to err on the side of caution and disclose any potential conflicts in order for a determination to be made regarding whether a waiver is necessary. The same applies to spouses of board members.

- Section 4.3.4. Does this section refer to programmatic audits of the program, or to annual agency fiscal audits? Should the audits simply be listed or described in this section, or should we be attaching audit reports to each copy of the award proposal?

If the program which will be performing the services has been reviewed in the previous three years by an entity other than South Dakota Department of Labor and Regulation, please include the review/audit report. Submit too any fiscal audits conducted on the Applicant in the previous three years. (If this information is posted on a website, links to the reports can be submitted instead of the actual report.) Only one copy of each report needs to be submitted by each Applicant; DLR does not need a copy submitted with each proposal if the Applicant is submitting multiple proposals.

- Section 4.4. How does an Applicant treat a related project that is funded under a different WIOA source (i.e., not federal AEFLA funds) at this time? Should an Applicant include it in its proposal?

If this project is similar to the requirements in RFP # 876, the Agency suggests you reference this agreement in your response to RFP Section 4.4. As to whether this program should be included in your AEFLA Award Proposal, that determination belongs to the Applicant. The Agency recommends the Applicant contact the state-level administrator of this project (or any other extraneous

initiatives) for additional guidance regarding its inclusion or disclosure within your agency's AEFLA *Award Proposal*.

- Section 4.4. Should an Applicant disclose a terminated contract it had years ago with a [different] State agency?

Per RFP Section 4.4, the Agency requests an Applicant disclose *any* contract which has been terminated, expired, or not renewed in the past three years. Additionally, an Applicant should provide the requested information for at least three previous and current contracts for services which are similar to the requirements of RFP # 876.

- Section 5.2.5 references that the award proposal information is outlined in Section 1.5. However, Section 1.5 does not discuss the award proposal information.

RFP §5.2.5 should instead read "...as outlined in Section 1.7 of this RFP." (The Agency apologizes for any confusion this error may have caused.)

- Section 6.2.3. This point indicates an Applicant needs to include price and cost data, but in Section 1.7 it reads that an Applicant should not include any funding, cost, or budget information. Wouldn't answering Section 6.2.3 give readers/evaluators some indication of the Applicant's identity?

RFP §6.2.3 refers to the Agency's "Evaluation and Award Processes," not necessarily a specific response-prompt beyond what is articulated in the *Award Proposal*.

- Section 6.2.6. Could the Agency provide clarification on the language in this section regarding "proposed management techniques"?

This reference, too, is part of **SDCL 5-18-D-18**. As a State-specific requirement, this could include the evaluators considering how an Applicant's satellites or itinerant sites are managed or staffed. This criterion might also include instructional methodology or data collection/entry processes. This criterion may also encompass an Applicant's proposed initiatives, sector strategies, or Integrated Education and Training projects.

http://www.sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=5-18D-18

- Section 7.2.8. Do you want the Applicant to detail expenses by program-participant type? Should this be the overall cost per participant for each program for the entire proposed project and not a specific community, or are Applicants competing on a per community basis?

An Applicant should provide sufficient detail with regard to programmatic participant-costs. If the Applicant wishes to aggregate those costs, that is the Applicant's prerogative; however, if the Applicant can disaggregate costs by community or program-type, perhaps it would behoove the Applicant to note the different expenses associated with different instructional programs, activities, and services. Under the National Reporting System, the Agency has historically been required to report grant-funds based upon English as a Second Language/Adult Basic Education (≤ 8.9 Grade Level Equivalency) expenditures and Adult Secondary Education (≥ 9.0 GLE) costs.

- Section 7.3.2. Does an Applicant need to differentiate this funding by community if an Applicant's proposal is intended for a single delivery area [across multiple communities/sites]?

If an Applicant's proposal comprises a suite of articulated services across a single delivery-area, the Applicant may not need to necessarily differentiate between programs, sites, or communities within its Award Proposal. (The Agency cannot, however, provide specific guidance on how an Applicant might detail the 75%, 50%, or 25% award-total prompts in §7.3.1.) Furthermore, Section 7.3.2 may seem more relevant to Applicants which are submitting multiple program-proposals—perhaps one proposal as a single entity and one proposal as a consortium, coalition, or partnership.

- Award Proposal. Does the Applicant need to match what the program is awarded through the grant?

An Applicant should submit some level of eligible Local Match.

- As noted in the RFP §4.6, the initial grant year requires a cash or in-kind match (or a combination of the two), with the final percentage to be negotiated.

- Award Proposal. What can be used other than cash as a 5-25% Local Match?

Citing the [federal] Office of Management and Budget's Uniform Guidance §200.96, third-party in-kind contributions are considered property or services that benefit the grant; additionally, these non-cash contributions are from, without charge, non-federal third parties.

- These in-kind contributions might include labor, applicable volunteer hours, [instructional and administrative] space, applicable training, materials/supplies, and equipment as eligible Local Match.

- Award Proposal. Can the Applicant's building/classroom be considered part of the Local Match?

Depending upon how many square feet of the building are dedicated [exclusively or partially] to eligible Adult Education and Literacy services, the building (or a proportionate percentage thereof) may indeed be considered as Local Match.

- Award Proposal. Should an Applicant submit a budget for 1 or 2 years?

An Applicant should initially submit a budget [i.e., Award Proposal] for Year One only.

- Award Proposal. Should we estimate 5-25% Local Match for both Year 1 and Year 2, or for the first year only?

A Local Match target needs to be included for Year One only; this figure can be negotiated between the Applicant and the Agency.

- Award Proposal. Does the Agency have an estimated budget amount for each year? For example, is an Applicant allowed to request \$500,000 in each year?

As noted in RFP §1.1, the anticipated federal funding will total approximately \$1,000,000. Additionally, there are State General Funds potentially available as part of a grant-award. An Applicant can request any amount commensurate with the scope of its proposal.

- Award Proposal. Our organization requires that we submit a specific indirect-cost amount [percentage] unless specified to limit it per RFP guidelines. Can our organization submit a proposal with our rates?

Yes, an Applicant can submit an indirect cost rate that has been approved by its cognizant federal agency. However, please note that the maximum grant provided would include all expenses, both direct and indirect; indirect expenses are not in addition to the grant amount.

- Award Proposal. Is an Applicant allowed to charge indirect costs to instructional expenses?

An entity must follow the indirect cost agreement entered into with their cognizant federal agency. All indirect costs charged are considered administrative costs, not instructional.

- Award Proposal. Page 14 of the RFP includes the “adult education award proposal” line-item budget template. Does this need to be filled out as the “award proposal” cover page?

An Applicant’s initial *Adult Education Award Proposal* (as the budget prospectus on RFP page 14) should be included within the separate *Award Proposal* section of the submission. This budgetary template may or may not serve as a cover page.

