

SFY 2014 - 2015 Crimes Against Revenue Program RFP
Questions and Responses

Question: Are we eligible for additional funding, above the \$100,000 grant award, based on the amount recovered? For instance, if \$500,000 is recovered from an investigation/prosecution, is our county entitled to a portion of that amount?

Response: *No. The maximum available is \$100,000 per applicant. There will be another RFP released in the fall of 2014 for additional funding.*

Question: Pages 6-7 of RFP - when you refer to the Prosecution Plan and the 10 page limit, are you referring to section C titled, "First-time CARP Applicants (80 Points)"?

Response: *Yes, for the first time applicants, it is referring to Section IV.C.*

Current CARP grantees applying for additional funds must respond to Section IV.B. for the prosecution plan.

Question: Does a Work Plan need to be created beyond the standard template developed by DCJS for our county's specific project?

Response: *If you are a first time CARP applicant you may add additional objectives to the standard template – see page 6, Section IV. C., second paragraph.*

If you are an existing CARP grantee you MUST add an objective reflecting what the additional funds will be used for – see page 5, Section IV. B first paragraph.

Question: Can MWBE forms be completed after award notification? It appears they must be submitted with the application; however it is extremely difficult to complete them prior to award.

Response: *Article 15-A of the New York State Executive Law, governing the participation of Minority and Women Business Enterprise (MWBE) participation in state funded contracts, requires the submission of MWBE forms with the RFA application. However, DCJS recognizes that it is difficult to assess MWBE goals prior to the receipt of an award. It is permissible to indicate "To Be Determined" in the goal determination sections of the MWBE forms, until DCJS finalizes award determinations.*

Question: We have a local procurement policy that we must follow. How can we submit a Utilization Plan for non-personal services before we have an award?

Response: *Grantees must follow their procurement laws and regulations at all times. Where an applicant/grantee has discretion to purchase from an MWBE, they should consider doing so. Again, it is permissible to indicate "To Be Determined" in the goal determination sections of the MWBE forms, until DCJS finalizes award determinations.*

Question: What documentation do we need to submit in support of an MWBE waiver request?

Response: *The documents required when applying for an MWBE Waiver include, but are not limited to, the following – Local Assistance MWBE Request for Waiver Form (DCJS-3302), Local Assistance MWBE Certification of Good Faith Efforts (DCJS-3311), and Local Assistance MWBE Waiver Requirements Checklist (DCJS-3312).*

Question: Where can we locate the MWBE forms?

Response: *The MWBE forms are available on the DCJS website at <http://www.criminaljustice.ny.gov/ofpa/mwbe/mwbe-forms.htm>.*

Question: Is there any guidance on how to complete the MWBE forms, including line by line instructions?

Response: *A detailed MWBE guide is available on the DCJS website at <http://www.criminaljustice.ny.gov/ofpa/mwbe/index.htm>, which provides line by line instructions on MWBE form completion.*

Question: If we have questions regarding the completion of the MWBE forms after the question deadline, can we speak with someone in your office?

Response: *Once an award is made, grantees can navigate the MWBE process with the assistance of DCJS Office of Program Development and Funding representatives.*

Question: Can you elaborate how an asset forfeiture case can be considered a CARP eligible case?

Response: *This is when the DA submits a check to the Department of Tax & Finance for its share of the disposition of assets seized in a case.*

Question: MOU appears to be the same as the one for the 2014 contract with same dates. Is that correct?

Response: *Yes, the MOU is the same as the 2014 MOU for current grantees.*

Question: Regarding the Tier 2 review by the State agency staff members. What State agency(ies) are reviewers employed by?

Response: *The Division of Criminal Justice Services and the Department of Taxation and Finance.*

**SFY 2014 - 2015 Crimes Against Revenue Program Webinar
Questions and Responses**

Question: With respect to Unemployment Insurance fraud, do penalties imposed by the Department of Labor, if recovered through prosecution, count as revenue towards the grant?

Response: *The case must be prosecuted by the county district attorney (not the Department of Labor), and then the fees or fines must come through the Department of Tax and Finance (DTF).*

Question: In regards to Workers Compensation and CARP, please expand on the phrase “all creditable.”

Response: *All cases must be prosecuted by the county’s District Attorney Office and the sentence imposed by the judge. Civil judgments do not count as eligible CARP revenue since they don’t come through the Tax Department. Margo Gershberg (DTF) is the DTF expert on creditable income and helps counties determine eligible revenue attributed to CARP.*

Question: How does one initiate a Prosecutor’s Request?

Response: *A letter must be sent to DTF to the attention of Deputy Commissioner Risa Sugarman. Explain the probable cause in the letter and what leads the county to believe the case is a tax crime.*

Question: What does the CARP Program define as “revenue?”

Response: *Please refer to Appendix A in the RFP for allowable revenue streams.*

Question: Can you explain what a Global Settlement is?

Response: *A global settlement for a criminal case involves both the criminal charge and the tax settlement. It resolves both the criminal and tax charges. When a global settlement is achieved the Tax Department agrees to make a settlement of all the tax debts against the defendant in addition to the criminal charges, fines and penalties. This results in a complete settlement of all criminal charges and tax bills against the defendant.*

Question: Is there someone in the Tax Department who tracks the money that my county sends in?

Response: *Margo Gershberg tracks this information.*

Question: If we have problems with our reports, can we speak with someone for help?

Response: *Margo Gershberg can assist in this capacity.*

Question: If I use the Tax Department as a prosecutor under County Law Section 702, will I get the CARP credit?

Response: *Yes, if you are an awarded county. You do not need to be a CARP recipient to access the special assistant DA under County Law Section 702. Any county can request that assistance.*

Question: Is there a threshold on the amount of tax fraud before you will assist with investigation?

Response: *There is no threshold. If it is important to the county we will try to assist them.*

Question: What documents do we send Margo to get credit for our CARP cases?

Response: *Contact Margo Gershberg through Risa Sugarman’s email at risa.sugarman@tax.ny.gov.*
