IOLA Fund of the State of New York

FY2022 & FY2023 IOLA Grant Cycle

Notice to Applicants: Contract Management Webinars for FY22-23 IOLA Grantees
Organizations chosen for funding will be invited to attend a contract management webinar:

Existing IOLA Grantees: Wednesday, March 24, 10:00am

New IOLA Grantees: Wednesday, March 24, 2:00pm

Webinar details will accompany the notification of the award. New Grantees are strongly urged to attend. All Grantees are cautioned against inputting changes to Grants Gateway or SmartSimple until after attending the appropriate webinar.

A full notice is available at www.iola.org .

Application Process Questions & Answers
(Final as of January 15, 2021)

Grants Gateway

Question 1: Where can applicants find the “Work Plan” in Grants Gateway?

Answer: The term “Work Plan” refers to a section of the application in Grants Gateway, where applicants set contract performance goals in accordance with IOLA’s Performance Measures. To access and edit the Work Plan, the applicant must first initiate the application in Grants Gateway. Instructions on how to complete this section are on page 12-14 of the RFP.

Question 2: In the “Project/Site Address” section in Grants Gateway, applicants are asked to identify an “Agency Specific Region”. How does an applicant determine its Agency Specific Region?
Answer: Current IOLA grantees should refer to their current contract type in SmartSimple, which is included as part of your organization’s “Contract ID”.

New applicants should use their best judgment to provisionally designate their program as AOJ or CLS grantee, based on the definitions provided on page 3 of the RFP.

Note that IOLA will ultimately determine whether the applying entity is to be considered a CLS or AOJ applicant.

Question 3: If the individual responsible for submitting the application does not have access to salary information, can a second staff member with an appropriate Grants Gateway role enter the information without the first individual seeing it?

Answer: All applicants must enter salary information into the “Expenditure Budget” section of Grants Gateway. Any staff member with an appropriate Grants Gateway role may enter the salary or budget information. Grants Gateway does allow certain information to be hidden as between the individuals authorized to access an organization’s application.

Question 4: If documents required for Grants Gateway Document Vault Prequalification are delayed due to the pandemic, are organizations able to upload older documents?

Answer: In April 2020, NYS Grants Gateway announced that in response to the COVID-19 pandemic, the IRS and NYS Attorney General’s Charities Bureau extended filing deadlines for the IRS990 and CHAR500. Filing deadlines for uploading annual Financial Statements were also extended.

Applicants should review the guidance provided on the Grants Gateway website, “Maintaining Prequalification” and COVID-19 Updates.

Note that applicants will be able to work on and even upload an
application to IOLA, regardless of the status of the applicant’s Document Vault. If, however, the applicant’s Document Vault is not in a “Prequalified” status as of noon on January 22, 2021, the application will be disqualified.

Further note that submission of a Document Vault is not enough. The Document Vault must be reviewed and approved as “Prequalified” as of noon on January 22, 2021 for an application to be considered.

**Eligibility**

**Question 5:** Is a 501(c)(3) non-profit organization eligible to apply for this opportunity? Is a nonprofit university with a 501(c)(3) designation eligible for IOLA funding?

**Answer:** Non-profit entities, tax-exempt under section 501(a) of the Internal Revenue Code, including organizations designated to be 501(c)(3) non-profits, are eligible to apply for IOLA funds, assuming that the organization meets the IOLA Fund’s other eligibility criteria for grant recipients as described on page 3 or the RFP and set out in full at 21 NYCRR Part 7000.12. A university that meets this criteria is likely to be eligible for IOLA Fund grants.

Eligibility does not guarantee funding. IOLA funds available for distribution may not be sufficient to make distributions to all qualified recipients and IOLA Fund’s Board of Trustees considers a number of factors in setting its funding priorities among qualified applicants. In recent years, the IOLA Fund Board of Trustees has not prioritized programs operated by academic institutions.

**Question 6:** Could IOLA funds be used to support a bilingual court advocate?
Answer: IOLA funding supports civil legal aid programs that serve low-income New Yorkers. To the extent the legal assistance offered by the bilingual court advocate is civil in nature, the people to be served meet the client financial eligibility rules, and the organization meets the IOLA Fund’s other criteria for grant recipients as described on page 3 of the RFP and set out in full at 21 NYCRR Part 7000.12, then it would likely be eligible for IOLA funding.

Note, however, that IOLA funding may not be used for the provision of legal assistance with respect to any criminal proceeding or any action in the nature of habeas corpus collaterally attacking a criminal conviction.

Eligibility does not guarantee funding. IOLA funds available for distribution may not be sufficient to make distributions to all qualified recipients and IOLA Fund’s Board of Trustees considers a number of factors in setting its funding priorities among qualified applicants.

Question 7: Does IOLA support organizations that provide legal representation in both immigration court and before USCIS? Are these activities eligible for IOLA funding?

Answer: Organizations that provide legal representation to eligible clients in judicial and administrative tribunals, including federal immigration court and USCIS, are eligible to apply for IOLA funding, assuming that the organization meets the IOLA Fund’s other eligibility criteria.

Eligibility does not guarantee funding. IOLA funds available for distribution may not be sufficient to make distributions to all qualified recipients and IOLA Fund’s Board of Trustees considers a number of factors in setting its funding priorities among qualified applicants.
Question 8: What are IOLA’s seven geographical units?

Answer: A map of IOLA’s seven geographical units can be found in the RFP package at www.iola.org, titled “FY2022-2023 IOLA Application and Instructions_FINAL”. In that folder, there are several documents and subfolders including supporting information. The unit map is one of these supporting documents.

Question 9: Is an applicant required to serve all the counties of a particular unit?

Answer: IOLA’s geographic units inform grant allocations to “Civil Legal Services” (or “CLS”) grantees, as explained on page 3 of the RFP Instructions and 21 NYCRR Part 7000.12. Typically, CLS grantees offer their services to eligible residents throughout the IOLA unit(s) they serve. In contrast, AOJ grantees may target their services to a particular geographic area that may or may not correlate to an IOLA unit or they may target their services primarily to a particular population without a strict geographical limitation. Please note that IOLA determines whether an applicant is CLS or AOJ.

Question 10: Regarding the Multi-Unit breakdown in services and expenses, does IOLA have a threshold for what it considers “significant” expenses or services? Is it a percentage or a raw number? Is IOLA concerned with services delivered to people from these units or services delivered in these units?

Answer: This question seeks to gather information about intentional efforts to provide services in multiple geographic units. “Significant” services and expenses are not incidental. The actual numbers and percentages should be more than de minimus, which may vary depending on the size of the provider. Please provide approximate percentages of expenditures and services provided in each unit. Typically, this means quantifying the services provided to residents of the geographic unit.
Question 11: Regarding the requirements of CLS providers, can IOLA explain the meaning of “provide direct civil legal services in multiple substantive areas”? Does “multiple” mean that an organization would provide legal services related to, e.g., immigration and housing, versus providing legal services related to multiple areas within one field (e.g., family reunification and naturalizations”). Or would both qualify for a CLS designation?

Answer: The term “substantive areas” refers to areas of the law, such as housing, government benefits, family, consumer, immigration. Note, IOLA determines whether an applicant is CLS or AOJ, informed by the nature of the applicant’s work. Complete the application by describing the full breadth of services your organization provides.

For additional information about the CLS and AOJ categories, see page 3 of the RFP Instructions and Section 7000.12 of the IOLA Regulations (21 NYCRR Part 7000 et seq.).

Question 12: If an applicant has a current AOJ grant contract with IOLA, should it assume that it would continue to be considered an AOJ provider in the FY2022 and FY 202 grant program? If an applicant believes it may fit the definition of a CLS provider, how should seek consideration as a CLS provider?

Answer: If, in a current grant, IOLA classifies an applicant as an AOJ provider and the applicant’s principal activities remain substantially similar, it is likely that IOLA would continue to classify the applicant an AOJ provider.

Note, IOLA determines whether an applicant is CLS or AOJ, informed by the nature of the applicant’s work. Complete the application by describing the full breadth of services your organization provides.

For additional information about the CLS and AOJ categories, see page 3 of the RFP Instructions and Section 7000.12 of the IOLA Regulations (21 NYCRR Part 7000 et seq.).
Program Information

Question 13: In the narratives for Community Need, Organizational Strength, and Program Description, with the exception of the narrative relating to C4 (“Achievements in Last Fiscal Year”), can applicants report on activities completed through the present?

Answer: Applicants can describe activities completed through the present, particularly as they relate to planned activities in the 2022 and 2023 fiscal years. The intention of these sections of the application is to capture details about the current needs of the communities to be served; how the applicant intends on reaching these communities; how the scope of the applicant’s services aligns with the provision of civil legal aid or improving the administration of justice; how the applicant’s management ensures high quality work; and how the applicant plans on delivering high quality civil legal services. For this reason, the response to this Section should be more qualitative than quantitative. In quantifying activities, applicants should reference the prior fiscal year ending March 31, 2020.

Question 14: Can IOLA clarify what is meant by “Applicants that provide support and training services to other organization should reference the direct and indirect approval from the recipients of their programs in the narrative discussions of community need (Part A) and program description (Part C).”, on page 6 of the application? Does this mean that applicants should be specific about which organizations have been or will be trained by the applicant? To receive IOLA funding, do the organizations receiving training have to be other IOLA Grantees?

Answer: One category of AOJ providers are those that provide support and training to other organizations. 21 NYCRR Part 7000.12(a)(2)(iii). Among the factors that IOLA considers in establishing funding priorities with respect to such providers is whether the applicant “has obtained the approval of a majority of the programs it seeks to assist.” 21 NYCRR Part 7000.12(c)(10). The instructions on page 6 of the application directs applicants in how to submit the information contemplated in Part
7000.12(c)(10). Applicants should be as specific as reasonably possible for their given programs. Organizations to receive training need not be IOLA grantees.

**Question 15:** In the Program Description narrative, should applicants describe the entire legal program staff’s qualifications and roles, or limit the descriptions to only the staff for whom the applicant is requesting IOLA funding? In other words, does the “proposed program” refer to the entirety of the work conducted by our civil legal services team, or only the work performed by staff for whom the applicant is requesting IOLA funding?

**Answer:** Applicants should describe all activities of their entire civil legal program in the Program Description, not only that which may be funded by IOLA. The purpose of this section is not to report a full accounting of every staff’s individual qualifications, but rather to articulate how the applicant organization is qualified to perform such work; how the applicant intends to deliver services; and which cooperative efforts and prior achievements demonstrate these qualifications.

**Question 16:** Please clarify what IOLA is evaluating in Section B.4., specifically regarding “provisions for program evaluations”.

**Answer:** Program evaluation is one way an organization assesses its work in light of its mission and priorities. Thoughtful and periodic program evaluation is an indicator of organizational strength and ability to ensure delivery of high quality programs.

**Question 17:** In Section B.2., how detailed should the applicant’s description of the Board of Directors be?

**Answer:** A Board of Directors Roster is a required Pre-Submission Document. Applicant’s answers in Section B.2. need not duplicate what is in the Roster, rather, should highlight the involvement of notable experts or community members.
Budget, Revenue and Financial Narrative

Question 18: Where is the “budget template” or “expenditure budget” referenced on page 11 of the instructions? The RFP instructs applicants to request funding for a two-year contract, but the Pre-Submission forms request one-year information. Where should applicants indicate their two-year grant request?

Answer: IOLA seeks budget information in two ways.

One, applicants submit a two-year proposed budget. “Budget template” is the collective reference in Grants Gateway to the various fields (i.e., “Expenditure Summary,” “Personal Services” and “Non Personal Services”) where an applicant is prompted to enter its requested budget. There is no document entitled “budget template” or “expenditure budget” for applicants to upload for their proposed budget. To access and edit the Expenditure Summary, the applicant must first initiate the application in Grants Gateway.

Two, applicants submit their Organization Budget as a pre-submission document. No particular format is required; applicants may submit, e.g., the budget as approved by their Boards of Directors. There is no document entitled “budget template” for applicants to upload.

Question 19: Do applicants have to enter matching funds into the “match” column of the expenditure budget?

Answer: IOLA does not require matching funds. Please omit figures from the “match” column.

Question 20: The IOLA Revenue Worksheets Pre-Submission Document asks for financial support for the organization. Should we submit this information for just the legal services program portion of our organization, or for the entire organization?
Applicants with multiple missions (e.g. criminal legal services or shelter services combined with civil legal aid) should complete the Revenue Worksheets for the civil legal aid portion of its program only.

The Financial Narrative section of the application, however, may reference the entire organization when discussing, e.g., the overall financial status and staffing.

Question 21: How might an applicant reflect expected or anticipated revenue on the Revenue Worksheet Pre-Submission document?

Answer: Applicants should complete the Revenue Worksheet for their current fiscal year. Any committed revenues can be included. Expected or anticipated, but not committed, revenue should not be included in the Revenue Worksheet, but can be described in Section D.2. Financial Narrative, Projected Finances.

Question 22: In the reference to “program budget” in Grants Gateway, should applicants upload a budget for just the IOLA grant or for the whole program?

Answer: There is no field or section labeled “program budget” in Grants Gateway, however, IOLA seeks budget information in two ways.

One, applicants submit a two-year proposed budget. “Budget template” is the collective reference in Grants Gateway to the various fields (i.e., “Expenditure Summary,” “Personal Services” and “Non Personal Services”) where an applicant is prompted to enter its requested budget. There is no document entitled “budget template” or “expenditure budget” for applicants to upload for their proposed budget. To access and edit the Expenditure Summary, the applicant must first initiate the application in Grants Gateway.

Two, applicants submit their Organization Budget as a pre-submission document. No particular format is required; applicants
may submit, e.g., the budget as approved by their Boards of Directors. This upload should reflect the organization’s entire legal program. There is no document entitled “program budget” for applicants to upload.

**Work Plan and Goals**

**Question 23:** In the Work Plan, what does the “People Benefitted” goal measure?

**Answer:** “People Benefitted” reflects the number of people who benefitted from a closed case. It is designed to ascertain the number of household members or other individuals beyond the primary client that are impacted by a legal case. Each closed case must have at least one corresponding person benefitted (primary client).

**Question 24:** In the Work Plan, what is the difference between Cases Closed and Pro Se Assistance? Is there overlap between these categories of reporting?

**Answer:** IOLA defines a “case” as the “provision of civil legal assistance by an attorney, paralegal, or other person under the supervision of any attorney (including pro bon attorneys and volunteers) to an individual with a legal problem.” The “provision of civil legal assistance” refers to conferring legal assistance such that an attorney-client relationship has been established and privilege would attach, regardless of whether a formal intake has been completed or a retainer agreement has been executed. “Case” services can be provided to pro se litigants.

Pro Se assistance is help your program provides to self-represented individuals in pending legal actions or in otherwise handling their legal problems. Examples of pro se assistance could be helping a client complete court paperwork or providing self-help guides to litigants at court.
When determining if the service your program provided is a case or pro se assistance, consider whether an attorney-client relationship has been established. An interaction should only be counted as either a case or pro se; there should be no “double counting” between the categories.

Question 25: When formulating the proposed contract goals (“Work Plan”), can email and live-chat interactions be counted as either Pro Se Assistance or Community Legal Education?

Answer: In fashioning a Work Plan, an applicant should consider the nature of the help delivered to the community it serves (e.g., education vs. individual services), regardless of the method used to deliver that help (e.g., email or online vs. in-person).

Community Legal Education includes the dissemination of legal information; Pro Se Assistance is legal assistance provided to self-represented individuals in pending legal actions or otherwise handling their legal problems. For example, when determining if the service your program provides is Community Legal Education or Pro Se Assistance, consider whether the assistance resulted in the drafting of individualized documents or other technical assistance.

Importantly, once grant decisions are announced, grantees will work with IOLA to revise their individual Work Plans, as part of the contract execution process.

Question 26: In the Work Plan, can “Community Legal Education” include training non-legal advocates? Should webinars and live online event participants be included in the “Community Legal Education” or “Online Outreach” goal?
Answer: “Community Legal Education” includes the provision of legal education to client-eligible populations, as well as non-legal professionals who work with those populations. Trainings provided to attorneys should not be included in “Community Legal Education”. Trainings provided to your own staff should not be included in “Community Legal Education.”

Participants in legal education webinars and other live online events should be included in the estimates for “Community Legal Education”. “Online Outreach” counts legal information downloads and forms completed via online document assembly tools.

Question 27: In the Work Plan, how should applicants categorize “technical assistance” (case consultations and advice) provided to social workers to assist with the support the social workers are providing to clients?

Answer: Case consultations or individualized advice provided to social workers is not part of IOLA’s quantitative reporting. The fact of this work, along with appropriate data, may be included in the annual narrative report. Legal education provided to social workers as part of a Community Legal Education event should be reported in the Community Legal Education goal.

IOLA’s proposed contract goals focus on the provision of legal assistance to client-eligible populations, as defined at 21 NYCRR Part 7000.12.

Question 28: Please specify the difference between the types of “Community Legal Education” listed on page 14 of the RFP.
Answer: IOLA collects information on different types of legal education provided to the community, namely: presentations to community groups (RFP page 14, “Community Legal Education”, bullet 1), legal education brochures (RFP page 14, “Community Legal Education, bullet 2), and “other” (often determined on a case-by-case basis). After grant awards are announced, IOLA works with each grantee to develop goals appropriate for the grantee’s programming.

Question 29: How should web visitors be accounted for in the work plan? Are they the same as individuals who access legal educational (or “Know Your Rights”) materials without a download?

Answer: IOLA grantees are not required to report information on website visitors. Rather, to the extent possible, IOLA grantees are expected to report on the number of legal materials downloaded or accessed, as well as fillable legal forms utilized via their websites.

Pre-Submission Documents

Question 30: What Pre-Submission Documents should be uploaded prior to submitting the application?

Answer: As stated on page 15 of the RFP instructions, the so-called “Pre-Submission documents should be completed with the main application; there is no separate or earlier deadline for their submission.

Question 31: Where can an applicant find the Pre-Submission Document templates?
Answer: For the pre-submission documents that require templates (as indicated on page 15 of the RFP), those templates can be found in two places:

1. A sub zip-file in the RFP package on www.iola.org (“RFP Additional Documents”→”Pre-Submission Document Forms”); or

2. After an applicant begins an application in Grants Gateway, click the “Pre-Submission Uploads” link from the Forms Menu. If the document requires that a specific template be used, a link to the Document Templates will appear under the upload rows. Click the link to download and save the Document Template to your computer. Once you have filled out the Document Template you can use the associated “Upload” row to upload the document as part of your application.

Question 32: Can you clarify what is meant by an “Affirmative Action Policy” in the Pre-Submission Uploads” section? Would an equal employment opportunity, antidiscrimination or antiharassment policy suffice?

Answer: The requirement to submit an “Affirmative Action Policy” is mandated by 21 NYCRR Part 7000.15(c)(6). The IOLA regulations require IOLA grantees to “prohibit discrimination, as defined by the applicable laws of the United States and the State of New York, against (i) any person applying for employment or employed by the qualified recipient; or (ii) any person seeking participation in, or the benefits or proceeds of, a program or programs supported in whole or in part by IOLA funds.” 21 NYCRR Part 7000.12(b)(4). The language in Part 7000.12 may inform what should be included in an applicant’s “Affirmative Action Policy” required by Part 7000.15.

Also, please note that, as of January 1, 2019, the New York State Office of the State Comptroller requires that all applicants provide a certification affirming compliance with the Bureau of Contract’s Contract Advisory #26, which requires all bidders on procurements to have a policy addressing sexual harassment prevention and provide sexual harassment training. The certification of this
requirement is a separate Pre-Submission document.

**Question 33:** The minutes from the last four Board Meetings are required. The minutes from our organization’s last Board Meeting are not yet approved. May draft minutes be included in our application, or should we only include the last four approved minutes?

**Answer:** The IOLA Fund is interested in applicants’ most recent board activity; draft minutes are acceptable.

**Question 34:** Should the Sexual Harassment Prevention Certificate (EO 177) “Pre-Submission Document” be completed the applicant (and signed by a Human Resources or other officer) or is this a form that New York State executes?

**Answer:** The EO 177, or equivalent certification, should be completed by the applicant organization.

**Formatting and Miscellaneous**

**Question 35:** Is there a requirement that applicants use a certain font style in the written portions of the application?

**Answer:** There is no font requirement, as long as the applicant uses 12 point font size and the answers are single-spaced with one-inch margins.

**Question 36:** Is this a deficit-funded contract? If so, can awardees apply for an advance?

**Answer:** IOLA grant contracts are reimbursement contracts; payments are made to grantees in arrears. While the NYS Master Contract § III.B. gives State agencies discretion to make advance payments, IOLA has not historically issued advance payments.
Question 37: Are applicants required to upload “IOLA-Specific Terms and Conditions” and the “Federal-Specific Terms and Conditions” forms with the application?

Answer: No. The NYS Master Contract Attachment A-1, IOLA Fund-Specific Terms and Conditions is a reference document for this RFP. Attachment A-1 is viewable in Grants Gateway, in the “Contract Document Properties” section by clicking “View File” under “Attachment A-1”. Attachment A-1 will become part of the finalized grant contracts; applicants do not have to upload it anywhere. Attachment A-2 “Federally Funded Grants and Requirements Mandated by Federal Laws” is not applicable to IOLA grant contracts.

Question 38: Does IOLA expect current grantees to request the same funding amount as the FY 2020 – 2021 grant cycle?

Answer: IOLA expects all applicants to request the amount of funding that is appropriate, reasonable and consistent with their intended projects, as well as commensurate with the applicant’s principal activities. Applicants should take note that IOLA anticipates overall funding this cycle that is level with the last cycle.

Question 39: How much funding is available?

Answer: IOLA will award up to $70 million dollars in grants over two fiscal years (New York State Fiscal Years 2022 and 2023), or $35 million a year. This funding is level with IOLA’s current two-year grant cycle ending March 31, 2021.

Question 40: The instructions state that “Cited information (e.g. hyperlinks to websites or photos” may not be considered.” Does this mean they are not allowed to be included, or that if they are included they might not be reviewed?
**Answer:** Cited information may be included, however, the citations count towards the page limitations and the information contained therein may or may not be reviewed, but will *not* be considered towards the scoring of the application.

**Question 41:** Does IOLA release application scores? How can an organization access its own score information?

**Answer:** IOLA does not have a practice of releasing application scores. A debriefing is available to any unsuccessful applicant, which should be requested in writing to IOLAGrants@iola.org within 15 calendar days of the public announcement of the grant awards on the IOLA Fund website. A debriefing will be scheduled within 10 calendar days of IOLA’s receipt of the written request or as soon thereafter as may be practicable under the circumstances. Requests for scores for other organizations are subject to New York State Freedom of Information Law, which generally would require notification to the other organization and determination as to whether the request can be honored subject to issues of competition.

**Question 42:** Can applicants use e-signature or notaries on required documents?

**Answer:** Applicants are permitted to use scanned or electronic signatures on any required documents.