

IOLA Fund of the State of New York

FY2020 & FY2021 IOLA Grant Cycle

Application Process Questions & Answers (as of September 14, 2018)

Question 1: On the “Current Staffing” pre-submission document, should we include budgeted but unfilled FTE’s or only filled positions?

Answer: This question is designed to inquire into an applicant’s current staffing in relation to its current budget, and thereby provide context for any proposed increases. Given this, budgeted but unfilled positions can be included, but are not required, in this pre-submission document.

If you are a current IOLA grantee, using the staffing information from your most recent Grant Activity Report (*Section H. Staffing*, as of 3/31/2018) is acceptable.

Question 2: In the Financial Narrative section, do questions D.1. (*Current Financial Status*) and D.2. (*Projected Finances*) apply to the entire organization or just the program covered in the proposed grant?

Answer: Applicants with multiple missions (e.g. criminal legal services or shelter services) should complete questions D.1. and D.2. relative to their entire organizations, but also including and focus on their civil legal aid program. In D.1., note any financial issues or situations that directly relate to your civil legal aid program. In D.2., highlight any notable cuts, expansions, or reductions in your civil legal aid program.

Applicants whose sole mission is the delivery of civil legal aid should report the financial status and projected finances of their entire organizations.

Question 3: Is a nonprofit university with a 501(c)(3) designation eligible for IOLA funding?

Answer: Assuming that (a) the organization meets the IOLA Fund's eligibility criteria for grant recipients as described on page 3 of the RFP and set out in full at 21 NYCRR Part 7000.12 and (b) the people to be served by the proposed program meet the client financial eligibility rules set out in full at 21 NYCRR 7000.14, then a university likely would 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 the IOLA Fund's Board of Trustees considers a number of factors, including the legal needs of the community to be served together with the capacities, goals and experience of the organization providing those services. In recent years, the IOLA Fund Board of Trustees has not prioritized programs operated by academic institutions.

Question 4: Can an applicant use its federal negotiated indirect cost rate in its proposed IOLA budget?

Answer: Federally negotiated indirect cost rates may be allowable. Any indirect cost rate should observe the Personnel Services (PS) and Other than Personnel Services (OTPS) classifications.

IOLA grantees are subject to requests for back up documentation for all expenses charged to the grant contract, including those expenses incorporated into the indirect cost rate.

Question 5: What is the appropriate percentage of funds that may be allocated to administrative expenses? Is there an upper limit on administrative overhead?

Answer: Applicants may seek funding for overhead expenses, including administrative expenses.

Note that budget requests are considered in the Financial Evaluation section of this application. Applicants are encouraged to request funding that is appropriate, reasonable, and consistent with their intended projects, as well as commensurate with their principle activities.

Question 6: Can an applicant include moving costs in the contract budget? If so, which line of the budget is most appropriate to put this cost?

Answer: Applicants may seek funding for overhead expenses, including moving costs. Such expenses should be requested in the “other” section of the budget. Note that budget requests are considered in the Financial Evaluation section of this application. Applicants are encouraged to request funding that is appropriate, reasonable, and consistent with their intended projects, as well as commensurate with their principle activities.

Question 7: For Multi-Unit CLE providers responding to Section C.5., should non-legal and non-civil legal services be excluded from the calculations? What proportion of services and expenses are considered “significant”?

Answer: In calculating information for the Multi-Unit chart in Section C.5., applicants whose sole mission is the delivery of civil legal aid should report their entire organization’s budget and services. Applicants with multiple missions (e.g., criminal legal aid or shelter services combined with civil legal aid), should report only the budget and services attributable to their civil legal aid

program.

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.

Question 8: The instructions for entering staff lines into Grants Gateway say to combine lines that are the same title and average the salary. If the staff members work different FTE or will be funded in different proportions by IOLA, may we keep the lines separate for the sake of clarity?

Answer: Please follow the application instructions regarding entering information into Grants Gateway. If awarded, grantees will have an opportunity to revise the budget, including the specificity of the staff descriptions, with IOLA’s assistance.

During the application stage, IOLA is interested in understanding the proposed positions and FTEs. If necessary, use the “Personal Services - Salary Narrative” (Grants Gateway) or the application narrative to describe your staffing plans more thoroughly.

Question 9: If an agency offers both CLS and AOJ services, is it more advantageous for the agency to focus on only one for the purposes of funding? Is the use of law students and pro bono attorneys considered CLS or AOJ?

Answer: CLS and AOJ categories apply to the applying entity as a whole, not to the individual services provided. 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, including any pro bono services.

Question 10: What is meant by “Group Services?” Does the “Group Services” objective include technical assistance (advice on an individual case) to a caseworker at a nonprofit?

Answer: In setting goals for “Group Services”, applicants should count the anticipated number of non-profit corporations or other groups that will benefit from such services, which may include impact and class action lawsuits. The anticipated number of individuals who may benefit from such Group Services should not be included in the goals.

Advising a caseworker regarding an individual case does not fit into Group Services work as reported to IOLA on the Grantee Activity Report.

Question 11: In Section C., Program Description, should applicants include a description of all programs that will be contributing outcomes to the Grantee Activity Report or exclusively discuss the work to be funded through the proposed IOLA grant?

Answer: In Section C., applicants should include all activities of their entire civil legal aid program, not just the portion to be supported by IOLA funding. This is intended to be consistent with the quarterly Progress Reports and the annual Grantee Activity Reports (GAR) that IOLA Grantees are required to submit.

Applicants have an opportunity to describe how the proposed IOLA grant would support specific programming in the Financial Narrative, Section D.3.

Question 12: In Section A, Community Needs, may endnotes be used in lieu of footnotes and not be counted in the 3 page limit?

Answer: Footnotes and endnotes are permitted, but count toward the page limits. Be judicious.

Question 13: Could IOLA funds be used to support an Attorney for the Child program that is not already fully funded? If so, may IOLA funds support attorneys representing clients in juvenile delinquency cases?

Answer: IOLA funding supports civil legal aid programs that serve low income New Yorkers. Programs are ineligible for IOLA funding if they provide legal assistance with respect to any criminal proceeding or any action in the nature of habeas corpus collaterally attacking a criminal conviction. To the extent the Attorney for the Child program needs funding and the legal assistance offered is civil in nature, then it would likely be eligible for IOLA funding.

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 14: Could IOLA funds be used to staff a "low bono clinic?"

Answer: A CLS provider is defined as one that "provides direct civil legal services **without charge** to poor persons within a geographical area in New York State." 21 NYCRR Part 7000.12(a)(1)(emphasis added). The requirement that services be rendered without charge does not appear in the regulations defining AOJ providers. See 21 NYCRR Part 7000.12(a)(2)(i)-(iv).

An applicant that charges its clients a nominal fee likely would not fall within the CLS provider category, but could fall within the AOJ provider category.

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 15: 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 FY2020 and FY 2021 grant program?

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.

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 16: Please clarify the definition of a "support and training program." How should applicants that provide support and training programs indicate in their applications that they have the "approval from the majority of providers to be served?" By name? Are the providers to be served limited to IOLA grantees?

Answer: A support and training program is one that would fall within the AOJ provider definition set forth in 21 NYCRR Part 7000.12(a)(2)(iii), which states: "[A]n entity which operates within New York State and which: ... provides legal, management or operational training, or legal, management, support service, or technical assistance, or direct legal assistance, informational advocacy or litigation support to qualified legal services providers."

In the Program Specific Questions related to Community Need (Part A.) and Program Description (Part C.), a support and training program applicant should identify by name (e.g., ABC Domestic Violence Shelter) or by class (e.g., community based organizations serving low income workers in XYZ region) the recipients of its program services. The applicant should also describe the nature of the relationship between the applicant and the recipients to show that the applicant's services have been

or would be accepted and welcome by the recipients of its services. Recipients are not limited to IOLA grantees.

Question 17: Is the Financial Narrative section (Program Information, Section D) a new requirement as compared to prior IOLA grant applications.

Answer: The Financial Narrative section is new.

Question 18: Are the following assumptions correct regarding the Current Revenue Worksheet:

- a) In line (a), applicants should report one year of the two year requested from IOLA
- b) In lines (b) through (v), applicants should report current fiscal year revenue
- c) In line (f), applicants should omit IOLA funding in the State Funding total so as to avoid double counting IOLA funding.

Answer: To make completing the Revenue Worksheets easier for applicants, the IOLA Fund has changed these Worksheets to inquire about the revenue for the applicant's current fiscal year.

- a) In line (a), applicants should report any current IOLA grant (the word "Requested" is a typo; please disregard)
- b) In lines (b) through (v), applicants should report current fiscal year revenue
- c) In line (f), applicants should omit any IOLA funding from reported State Funding

Question 19: Where all funding sources cannot fit in a particular sub-category, how should applicants complete the Revenue Detail worksheets?

Answer: Applicants with more information than lines on the Revenue Detail worksheet should attach a schedule with the additional information and put the subtotal from that schedule on the worksheet. In the example below, \$200,000 would be listed on the Revenue Detail worksheet and the following information would be on an attached schedule:

Item b: Foundations

	<i>Source</i>	<i>Amount</i>
1.	Foundation A	20,000
2.	Foundation B	30,000
3.	Foundation C	50,000
4.	See attached	100,000
	Total:	\$200,000

Question 20: What time period should applicants use in answering Section B.3. (Organizational Strength, Training & Professional Development)?

Answer: The intention of Section B. of the application is to capture details about *how* the scope of the applicant's services aligns with the provision of civil legal aid or improving the administration of justice, together with *how* the applicant's management ensures high quality work. For this reason, the response to this Section should be more qualitative than quantitative. In quantifying trainings, applicants should reference the prior fiscal year ending March 31, 2018.

Question 21: If IOLA awards funding to an applicant, would the resulting contract allow the applicant/grantee to:

- a) spend the grant funds unequally between year one and year two of the contract?
- b) modify the contract to shift funds from year one to year two if there is a delay in the expenditures under that contract?

Answer: If IOLA awards funding to an applicant and the final award differs from the funds requested, the grantee would have an opportunity to submit a modified budget. IOLA would consider a budget unequally divided between year one and year two. The award letter would detail the procedures for modifying a contract after it has been finalized.

Question 22: Should applicants that provide significant services outside of New York State limit their responses in Section D, Financial Narrative, and the budget and revenue worksheets to their New York State programs?

Answer: Applicants that provide significant civil legal aid services outside of New York State should consider themselves to have multiple missions (e.g., civil legal aid in New York State and civil legal aid outside of New York State) and adhere to the application instructions pertaining to applicants with multiple missions. Generally, such applicants may reference the totality of their services, such as in Section B.1. (Organizational Strength, Principal Activities) and D.1 (Financial Narrative, Current Financial Status). The primary focus in these narratives should be upon their New York State civil legal aid program. The Budget and revenue worksheets should report only those expenses properly attributable to their New York State civil legal aid program.

Question 23: Where in Grants Gateway should applicants upload the Pre-Submission Documents?

Answer: To upload Pre-Submission Documents, applicants should select “Forms Menu,” and then scroll to and select “Pre-Submission Uploads.” A new page will open listing the required and optional Pre-Submission Documents with buttons allowing applicants to select and upload responsive documents.

The Grants Reform website has a page for grantees and potential grantees that includes “Quick Start Guide: Applications” and a Training Calendar. Webinars on applying for grants are currently scheduled each Tuesday and Thursday morning. For more information, go to: <http://www.grantsreform.ny.gov/Grantees> or contact:

Grant Gateway Help Desk

800-820-1890

helpdesk@agatesoftware.com

(Monday-Friday 8am to 8pm)

Question 24: In the Work Plan section of Grants Gateway, what is the significance of the grayed fields?

Answer: The grayed fields on the Work Plan in Grants Gateway provide additional information or instruction to aid applicants in completing their Work Plans. If the relevant goal in the Work Plan applies to the applicant’s program, the applicant should only enter the appropriate number in the field for the “Performance Measure Integer.”

This is not new information, only information presented in a new format.

Question 25: The instructions direct applicants to incorporate sub-headings into their narratives. Does the reference to “sub-heading” include all the italicized details or only the bolded titles?

Answer: Narrative responses to the Program Specific Questions need only incorporate the lettered and numbered sub-headings that appear in **bold** on pages 7-10 of the Instructions).

Question 26: What is the deadline for Pre-Submission documents? Is it the same as the application deadline (i.e., September 28 at noon)?

Answer: The so-called “Pre-”Submission documents should be completed with the main application; there is no separate or earlier deadline for their submission.

Question 27: There are conflicting instructions regarding the page length for the Program Description (*compare* Application Instructions & Forms at page 8 *with* Grants Gateway instructions for Program Specific Question #3). Please clarify whether it is 12 or 14 pages.

Answer: The Program Description page limit is 12 pages. Please excuse the error in the Grants Gateway instructions.

Question 28: Is the reference correct on page 6 of the Instructions where it states that the narrative response to Section C.5. should refer to the fiscal year ending March 31, 2018? Does this instruction intend to reference Section C.4.?

Answer: Section C.5. of the Application for the FY 2020 and 2021 Grant Cycle inquires about the applicant’s Achievements in the last fiscal year, which the instructions define as the fiscal year ending March 31, 2018.