

IOLA Fund of the State of New York

FY2026 - FY2030 IOLA Grant Cycle

Application Process Questions & Answers (FINAL, as of October 17, 2024)

Program Description & Work Plan

Question 1: Should the work plan/proposed goals incorporate all legal services that will be provided regardless of source of funding or only for IOLA-funded work?

Answer: Proposed goals should include all activities of an applicant's entire civil legal services program, not just the portion to be supported by IOLA funding. This is consistent with the quarterly Progress Reports and the annual Grantee Activity Reports (GAR) that IOLA Grantees are required to submit.

Question 2: Regarding the Work Plan, if we are aiming to close 100 cases per year, should our contract goal be 500 cases closed as the 5 year total?

Answer: Yes, goals should reflect the legal work planned for the entire 5-year contract period.

Question 3: When talking about “unmet” community needs, should we present this as what the unmet needs would be if we were not funded/not providing services?

Answer: Yes, applicants should describe the needs in the community that they are currently – and will continue – addressing.

Question 4: Now that IOLA is no longer tracking "Referrals" as a separate category, should "Cases Closed" include instances where the only assistance provided was a referral?

Answer: Referrals should NOT be included in the "Cases Closed" work plan goal. Please note IOLA's definition of a "case":

The provision of civil legal assistance by an attorney, paralegal or other person under the supervision of an attorney (including pro bono attorneys and volunteers) to an individual with a legal problem. Where the same client receives legal services in separate cases, each case should be counted (e.g., where a client is represented in a fair hearing and a housing dispute, two cases should be reported if both closed during the reporting period).

IOLA has removed "Referrals" as a contract goal in alignment with the vision of IOLA's Justice Infrastructure Project. However, IOLA may still ask grantees to report on "Referrals" in the annual Grantee Activity Report (GAR).

When completing the proposed work plan, applicants should keep in mind that work plans are subject to revision during the contract negotiation period, if awarded. If awarded, the grantee and IOLA Grants Team can have further discussions regarding the appropriate placement of program work within the goal categories.

Question 5: Are there any substantial changes to the subject area categories currently reported on (e.g. immigration, employment, housing)?

Answer: While changes have been made to the Work Plan categories, there is no substantive changes to the legal work currently reported on. If awarded, any substantial changes to reporting categories will be communicated during the contract negotiation period.

Question 6: Considering the changes to the Work Plan objectives and descriptions (e.g. removal of referrals, revision to activities counting toward community legal education, etc.), will the information captured on the Grantee Activity Report (GAR) remain the same? Will grantees still be expected to report on the removed categories/activities?

Answer: While changes have been made to the Work Plan categories, IOLA does not anticipate substantive changes to the legal work currently reported on.

If awarded, any substantive changes to reporting will be communicated during the contract negotiation period. Quarterly and GAR reporting is subject to revision over the term of the contract, with substantive changes to reporting communicated to grantees in advance.

Question 7: When setting goals in the work plan, if we have a limited-scope clinic where we are helping someone draft a petition or motion that will be submitted pro se, is this counted as a limited-scope/brief assistance client under Individual Case Services, as Pro Se Assistance, or as both?

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 bono 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.

When completing the proposed work plan, applicants should keep in mind that work plans are subject to revision during the contract negotiation period, if awarded. If awarded, the grantee and IOLA Grants Team can have further discussions regarding the appropriate placement of program work within the goal categories.

Question 8: What is IOLA’s definition of a "self-represented person"?

Answer: The general definition of a “self-represented person” is a person who is not receiving representation from an attorney.

When completing the proposed work plan, applicants should keep in mind that work plans are subject to revision during the contract negotiation period, if awarded. If awarded, the grantee and IOLA Grants Team can have further discussions regarding the appropriate placement of program work within the goal categories.

Question 9: Should downloads of online pro se materials be included in the total proposed goal for the “Pro Se Assistance” work plan goal?

Answer: No, online downloads of pro se materials should NOT be included under “Pro Se Assistance.” Pro Se Assistance may include:

- Self-represented people who received **printed** pro se forms
- All forms that self-represented people completed using LawHelp Interactive, A2J or other publicly accessed, web-based document assembly tools you offer

Question 10: Can you elaborate on the changes to the Community Legal Education (CLE) description, which now includes:

- People benefitted from the dissemination of legal information to individuals via attendance at outreach, group, or training presentations
- People who received legal education via interactive online presentations (Zoom, Facebook live, etc.)

Are the following activities **no longer included** in the Community Legal Education category?

- legal education materials shared via targeted listservs;
- topical newsletters distributed to a targeted email list;
- views of prerecorded presentations/trainings;
- legal brochures/informational materials distributed at outreach events
- static community legal education resources distributed electronically

Answer: The contract goals have been revised in alignment with IOLA's Justice Infrastructure Project, which seeks to increase coordination, innovation, and capacity in the sector. The change to the activities included in the Community Legal Education description reflects this alignment.

Only legal education via interactive, live presentations (in-person or online) or interactions should be counted toward the proposed Community Legal Education goal.

Views of static presentations/videos (e.g. pre-recorded videos) or other static online legal education resources (e.g. topical newsletters) should NOT be included in the Community Legal Education proposed goal. Legal education brochures (distributed in-person or online) should NOT be included in this proposed goal.

Outreach, group, and training presentations *where legal information is conveyed* were consolidated into a single sentence and may be counted toward the proposed goal.

(Answer continued on next page)

Note: continuing legal education, a requirement for admitted attorneys, is not the same as community legal education. IOLA does NOT collect quantitative data about continuing legal education.

Question 11: With the elimination of the Web-Based Assistance category, is there a relevant goal category for legal information materials accessed or downloaded from our website? Can we report legal information materials distributed electronically in the Community Legal Education category?

Answer: The contract goals have been revised in alignment with IOLA's Justice Infrastructure Project, which seeks to increase coordination, innovation, and capacity in the sector. IOLA is aware that this may result in changes to proposed goals from previous cycles.

Legal information materials distributed electronically (e.g. via email, on social media, or accessed/downloaded from websites), should NOT be included in the Community Legal Education proposed goal.

Question 12: In the Community Legal Education description, what counts as "Outreach presentations"? Would participation in outreach events/resource fairs where staff provide community members with an overview of our free legal services, without necessarily delivering "legal information", count toward our Community Legal Education goal?

Answer: Outreach presentations include interactive presentations (in-person or virtual) providing legal information and community legal education. For example, an information session with shelter residents regarding benefit eligibility may count as an outreach presentation under Community Legal Education. Do NOT include presentations that are non-legal in nature. If "legal information" is not conveyed, these should not count toward the proposed Community Legal Education goal.

Question 13: In “C. Program Description”, we are asked to summarize our most significant achievements during the last fiscal year, ending March 31, 2024. If our organization's fiscal year does not align with this timing, should we be listing achievements based on our fiscal year or the fiscal year indicated?

Answer: Current IOLA grantees should report their most significant achievements in the last fiscal year, ending March 31, 2024, and may include major achievements reported with their Grantee Activity Report (GAR).

If you are a new applicant and/or do not have this information readily available, the applicant can report their most significant achievements based on the civil legal services work performed during their last fiscal year.

Question 14: “C. Program Description” asks current grantees to describe "taxpayer savings" from the previous year. Should this correspond with the "Dollar Savings/Direct Dollar benefits to Clients" reported in the GAR under section “F. Financial Benefits Achieved”?

Answer: Existing grantees can use the taxpayer savings reported with their Grantee Activity Report (GAR), including the “Dollar Savings/Direct Dollar Benefits to Clients” reported in the GAR.

If you are a new applicant and/or do not have this information readily available, the applicant should make a representation of estimated taxpayer savings based on the civil legal services work performed within the last fiscal year.

Question 15: How should we report “taxpayer savings” under the Achievements in Last Fiscal Year section?

Answer: Existing grantees can use the taxpayer savings reported with their Grantee Activity Report (GAR). If you are a new applicant and/or do not have this information readily available, the applicant should make a representation of estimated taxpayer savings based on the civil legal services work performed within the last fiscal year.

Question 16: In the proposed goals/work plan section, how should repeat volunteers from year to year be counted in the Pro Bono Services measure?

Example: During the IOLA grant term, Jane Smith takes a case in FY26, it concludes in FY27. In the middle of FY28 Jane takes a new case, which she works on in Year FY28 through FY29, when it concludes. Is Jane counted as a volunteer each of those four years or as a single volunteer throughout the multi year term?

Answer: Pro Bono volunteers may be counted for each fiscal year of the grant period in which they volunteer services, in the proposed goals/work plan section under the Pro Bono Services measure.

In the above example, Jane Smith may be counted as a volunteer for each of the four years she volunteers services.

Question 17: Should we include the pro bono hours provided by law firm co-counsel on impact cases in our contract goals?

Answer: Pro bono hours should not be included in the contract goals, as the “Pro Bono Services” contract goal measures Pro Bono volunteers to be enrolled, including firm co-counsel. Pro bono hours may be reported in the annual Grantee Activity Report (GAR).

Question 18: We engage a small but impactful group of pro bono attorneys each year (less than 10) to support our impact litigation. We did not previously include a pro bono goal in our IOLA contract since it is a small number, but are now wondering if we should include that in our new goals?

Answer: Firm co-counsel on impact litigation may be included in the proposed Pro Bono Services goal and may be reported in the annual Grantee Activity Report (GAR).

When completing the proposed work plan, applicants should keep in mind that work plans are subject to revision during the contract negotiation period, if awarded. If awarded, the grantee and IOLA Grants Team can have further discussions regarding the appropriate placement of program work within the goal categories.

Question 19: Should we include all law interns (who are not considered employees) toward the Pro Bono volunteers work plan goal, even if they are paid by our organization? Or should we only include unpaid interns (e.g. those with outside funding)?

Answer: Paid interns should not be as counted as volunteers when developing a Work Plan. Any paid person doing work for your organization should be counted as staff for the purposes of IOLA budgeting and reporting.

Question 20: If law interns are paid with outside funding (e.g., through a fellowship or some other program) but our organization is not paying them, do they count as volunteers?

Answer: Any individuals that do work for your organization but are not paid by the organization count as volunteers.

Application Documents

Question 21: Where can I locate the application document templates (e.g. Revenue Worksheet, 5-Year Grant Breakdown, Sample 1-Year Detail Budget, etc.)?

Answer: The Sample 1-Year Detail Budget and 5-Year Grant Breakdown forms can be found in the “FY2026-2030 IOLA Application and Instructions_FINAL.zip” file, in the RFP Additional Documents > Application Documents folder. The ZIP file is available for download on iola.org and within the Bid Event in SFS.

Question 22: Does the Revenue Worksheet need to be completed for all five years or just year one?

Answer: The Revenue Worksheet should only be completed for one year.

Question 23: How should the Revenue Worksheet attachment be completed using a fiscal year of January to December? Should this attachment be completed on a cash basis?

Answer: Applicants should complete the Revenue Worksheets 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 5 Narrative, Projected Finances. This document is to help IOLA understand an organization’s sources of revenue.

Question 24: Should we enter the 5-year or first year IOLA funding amount we are requesting in the “IOLA Funding Requested” box in the Revenue Worksheet document? This is inconsistent with the time period for all other numbers in the document. Additionally, as a current grantee, where should we report revenue received from IOLA in our current fiscal year on the Revenue Worksheet?

Answer: In line (a), applicants should report any **current** IOLA grant (the word “Requested” is a typo; please disregard). **Note: This is a correction to the answer provided during the Pre-Bid Conference on 10/01/2024.**

Question 25: Our current fiscal year began July 1, 2024. Should we report our actuals of what we have received from July 1, 2024 to September 30, 2024 or budgeted revenue for the full FY25?

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 26: As a current grantee, in the “Revenue Worksheet”, should we report IOLA funding for the current fiscal year in line (f) State Funding?

Answer: Current IOLA grantees should report IOLA funding for the current fiscal year in line (a) IOLA Grant. **(The word “Requested” is a typo; please disregard).**

Current IOLA funding should NOT be reported in line (f) State Funding in the Revenue Worksheet.

Question 27: On the “Revenue Worksheet” for the IOLA Grant, as a current grantee, should we provide the numbers we submitted for the IOLA GAR, or those numbers plus Quarter 5 & Quarter 6?

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 28: The application includes a worksheet titled “IOLA FY26-30 Revenue Worksheet,” but the instructions indicate that we should provide current fiscal year revenue. Can you confirm that the worksheet should reflect current fiscal year revenue?

Answer: The “IOLA FY26-30 Revenue Worksheet” is titled according to the grant cycle. The instructions correctly state that applicants should provide *their current fiscal year* revenue.

Note: In line (a), applicants should report any current IOLA grant (**the word “Requested” is a typo; please disregard**).

Question 29: When entering information in the “Narrative” sections of the “IOLA FY26-30 Sample 1-Year Detail Budget Template”, the text is cutoff. How can I enter narrative information without the text cutting off?

Answer: The initial version of the “IOLA FY26-30 Sample 1-Year Detail Budget Template” did not have the “Wrap Text” option turned on for all of the “Narrative” sections. An updated version has been uploaded to the iola.org website. Alternatively, if using the initial template, use the ALT + Enter keys to enter text on different lines. Text may also be entered in this section once converted to PDF format.

Question 30: The Current Staffing worksheet directs to report the number of FTEs "as of 3/31/24 or sooner." My organization has had staffing changes since 3/31/24. Should I provide the numbers as they were on 3/31/24 or the numbers as they are at the time of application? How should half-time independent contractors be reported?

Answer: This instruction is intended to lessen the burden of drafting the application. Current IOLA grantees can use the staffing information they provided in the most recent Grantee Activity Report (Section H. Staffing, as of 3/31/2024).

Any applicant can complete the Current Staffing worksheet with more recent information, particularly where data as of 3/31/2024 may be stale.

Independent contractors should likely not be reported on the "Current Staffing" worksheet. The substantive work of any subcontractors can be described in the appropriate narrative sections.

Question 31: Can you please elaborate what IOLA is looking for with respect to Client Eligibility Guidelines or Case Acceptance Policies? Should the document be related to the entire organization or the specific program/practice we are seeking funding for?

Answer: IOLA expects an applicant's client eligibility guidelines to be consistent with IOLA's client financial eligibility guidelines set forth in the IOLA regulations. A consistent policy may detail the client eligibility for all of an organization's programs, or states that client eligibility will follow grant requirements, with or without a specific reference to IOLA.

The client financial eligibility guidelines are set forth in the IOLA Fund regulations at 21 NYCRR Part 7000.14(a).

Question 32: Our organization serves low-income New Yorkers, and we use other funding sources to serve those making over 150% of federal poverty level. Should we spell out our organization's overall poverty level eligibility threshold, or just include a note that "We align our eligibility threshold with grant requirements?"

Answer: IOLA expects an applicant's client eligibility guidelines to be consistent with IOLA's client financial eligibility guidelines set forth in the IOLA regulations. A consistent policy may detail the client eligibility for all of an organization's programs, or states that client eligibility will follow grant requirements, with or without a specific reference to IOLA.

Question 33: We have a "Client Feedback Policy" that refers to both positive and/or negative feedback from clients. Can we submit this general "Client Feedback Policy" for the "Client Grievance Procedures" requirement?

Answer: The document(s) submitted for the "Client Grievance Procedures" should be policy documents that include governance for handling complaints or grievances from the clients/communities they serve.

Question 34: On the application attachment, "Summary of Contract Goals", we are asked to enter Actuals on Recent GAR. If we are a past grantee, but are not currently a grantee, should we enter numbers from the last GAR we submitted to IOLA or enter N/A?

Answer: Applicants who are not *current* IOLA grantees for the FY24-25 cycle should enter N/A in the "Actuals on Recent GAR" column.

Question 35: On the “Organization Budget” application document, should applicants use their current fiscal year or the IOLA/NYS fiscal year (April 1, 2024 – March 31, 2025)?

Answer: Applicants should submit their Organization Budget for their current fiscal year.

Question 36: Would it suffice to include the summary pages of insurance policy documents that do not include the FEIN, but show the organization name and address?

Answer: Yes, summary pages of insurance policy documents showing the organization name and address are acceptable. Do NOT submit the entire insurance policy.

Question 37: Our program is housed within a non-profit university, with an Advisory Board for the program separate from the university Board of Directors. Can we include the minutes from the last four meetings of our program’s advisory board in lieu of the university Board of Directors meeting minutes?

Answer: Programs housed within a non-profit university (subject to IOLA’s eligibility criteria for grant recipients described on page 4 of the RFP and set out in full at 21 NYCRR Part 7000.12) may submit Advisory Board meeting minutes in lieu of university Board of Directors meeting minutes for the Application Document requesting the minutes of the last four Board of Directors meetings.

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 38: How should applicants with multiple missions (e.g. criminal legal services or shelter services) complete the “Financial Narrative” section and “Organization Budget” and “Revenue Worksheet” application documents?

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 focusing 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.

The Proposed Grant (D.3.) references the civil legal services program to be funded.

For the “Organization Budget” and “Revenue Worksheet” application documents, applicants with multiple missions should report **only** the budget properly attributable to their civil legal services program.

Programs that intend to “spin off” of their parent organization during the IOLA FY2026-2030 contract term should complete the questions relative to their current status as a project within a larger organization with multiple missions and note IOLA’s response to Question 66. NYS Prequalification requires the submission of audited financial statements and the IRS 990 Form for the applying organization.

Question 39: In regard to “Application Documents”, please provide guidance for how you define “principal staff” and how many resumes we should submit?

Answer: Applicants should use their best judgement and should include the resumes of a few key staff only. For example, the resumes of executive or senior management staff (Executive Director, Legal Director, Supervising Attorney of the practice groups for which you seek funding) may be appropriate.

Question 40: Our organization has an Equal Opportunity Employment Policy which, as we understand it, operates as an Affirmative Action Policy. We do not have a policy titled an “Affirmative Action Policy.” Can we submit the Equal Opportunity Employment Policy instead?

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.

Question 41: Where can I find the Sexual Harassment Prevention Certification?

Answer: The Sexual Harassment Prevention Certification is available in the application package, in the “RFP Additional Documents” > “Application Documents” folder, with the file name “eo_177_certification”.

Question 42: We do not have a Sexual Harassment Prevention Certification. Can we provide our Sexual Harassment Policy instead?

Answer: 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 Sexual Harassment Prevention Certification is available in the application package, in the "RFP Additional Documents" > "Application Documents" folder, with the file name "eo_177_certification". Applicants should NOT submit their Sexual Harassment Policy.

Budgeting & Financial

Question 43: Can you summarize what each of the Application Document budget forms are for/should include?

Answer: Your organization will submit 1) a budget in SFS, 2) a Sample 1-Year Detail Budget Attachment, and 3) a 5-Year Grant Breakdown sheet.

1. The SFS Budget is submitted, via SFS as a series of linked webpages. The information must be directly entered into SFS. For this budget, we are only asking applicants for **broad, category-level detail**. This budget should equal the 5-year funding request.

2. The Sample 1-Year Detail Budget Attachment is an Application Document where applicants will detail the first year of the proposed grant. This detail budget should only cover the proposed amount for the first year of the grant (FY2026) and should include line-level detail, painting IOLA a picture of what specifically the proposed grant would support.

3. The 5-Year Grant Breakdown is also an Application Document attachment. In the 5-Year Grant Breakdown, applicants will propose a breakdown of the total funding request for each fiscal year, noting any budget priorities or projects that would affect planned spending. IOLA encourages applicants to take the funding schedule included in the RFP into account.

For those awarded, a 5-year detail budget will be required based on awarded funding.

Question 44: Previous IOLA RFPs asked for up to 3 pages in the “D. Financial Narrative” section, while the current RFP asks for up to 5 pages in the same section. Can you clarify what elements IOLA is looking for in describing “overall financial context”?

Answer: Please note the changes to the “D. Financial Narrative” prompt, including the added 3.c:

Describe the program’s financial/budgetary priorities for each year of the contract term, and how the proposed IOLA grant would support these priorities in each year.

The financial narrative should provide qualitative context for the services to be funded.

Question 45: Does the Program Budgeting portion of the Financial Evaluation measure how an organization plans to use the funds? Is the total amount proposed a factor in the Program Budgeting evaluation?

Answer: In assessing an applicant’s program budgeting information, IOLA considers, among other factors, whether the applicant

- proposes a grant budget that aligns with its intended program activities; and
- has a sufficiently detailed grant budget that is reasonable and adequate to support its proposed activities.

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.

Unreasonable budget requests would include but are not limited to those that, if awarded in full, would be grossly disproportionate (on a fiscal year basis) to prior IOLA grant awards the applicant received, would double the applicant’s overall revenue, or would be the sole revenue source for a brand new project.

Question 46: Could you clarify IOLA’s standard of reasonableness for grant requests? Does it make sense to interpret this as aligning with the increases in available funding per year of the grant period?

Answer: IOLA encourages organizations to look at the 5-Year Plan approved by the IOLA Board of Trustees when planning increases. However, IOLA expects budgeting and grant breakdowns per year to look different for each program; there is no standard approach to incorporating annual increases. 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.

Unreasonable budget requests would include but are not limited to those that, if awarded in full, would be grossly disproportionate (*on a fiscal year basis*) to prior IOLA grant awards the applicant received, would double the applicant’s overall revenue, or would be the sole revenue source for a brand new project.

Question 47: As a current grantee, is there opportunity to increase our IOLA grant to increase our services? Is there a formula applied to funding amounts? Is it by county, need, etc.?

Answer: IOLA’s current expectation is that, with increased revenue and grants, there will be increased activity and legal service delivery.

There is no specific formula applied to all IOLA Grant funding. Civil Legal Services (CLS) funding is allocated on a regional basis based on U.S. Census Bureau SAIPE data. Poverty information by geographical region information is available in the “NYS Poverty Population by IOLA Unit and County” document in the “RFP Additional Documents” folder.

Question 48: Can you give guidance for the 5 Year Grant Breakdown and how we should map out increased costs?

Answer: IOLA expects the grant breakdown over five years to vary by program. IOLA encourages organizations to look at the 5-Year Plan approved by the IOLA Board of Trustees when planning increases.

Question 49: As per the RFP, we understand IOLA is open to budget increases year over year during the contract term to address salary increases and inflation of OTPS expenses. How should these increases be reflected in our budget materials? Is there a standard approach that should be followed to include annual increases during the 5 year contract term (e.g. is there a % increase we should build in or should we request what we anticipate actual expenses to be)?

Answer: The 5-year spending plan voted upon by the IOLA Board includes built-in increases per year. IOLA encourages organizations to look at the 5-Year Plan approved by the IOLA Board of Trustees when planning increases. However, IOLA expects budgeting and grant breakdowns per year to look different for each program; there is no standard approach to incorporating annual increases. 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.

Question 50: Is there an upper limit for the dollar amount for 5-year budget?

Answer: There is no upper limit on a dollar amount an organization can request in its application. 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.

Question 51: If an organization is planning to ramp up expenditures over the five years, Year 1 will be much less than Year 5. In the Sample 1-Year Detail Budget, should we fill it out only according to the first year proposed grant amount (ignoring the increases over the remaining four years) or provide an average of the proposed five year grant amount?

Answer: The Sample 1-Year Detail Budget should only detail costs for the first year of the grant, not averages. The purpose of this document is to give IOLA a snapshot of your plan for the coming fiscal year.

If awarded, the grantee will be required to submit a detailed budget for the entire 5-year contract period.

Question 52: Will IOLA allow rollover of funds between contract years? If we did not expend our budget can we carry that forward to the next year? For example, in year 1 we budgeted for an equipment purchase but didn't do it within year 1 can we move it the next year?

Answer: Yes, IOLA will allow funds to rollover between contract years. The contracts that result from this RFP are five-year, fixed-term contracts.

Expense Eligibility

Question 53: Can we use an indirect cost rate for de-minimis indirect costs? What percent of general operating costs can an IOLA grant fund?

Answer: IOLA grants awarded under this RFP support general operating expenses, including administrative expenses. Administrative expenses may be allocated according to government-approved indirect cost rates (ICR). Where an applicant does not have a government-approved ICR, a 15% de minimis ICR rate is allowable. Indirect Cost Rates (ICR) should be categorized as Operating Expenses.

IOLA does not have set dollar or percentage caps for budget categories. If awarded, the grantee will be required to submit a detailed budget for the entire 5-year contract period. During this time, specific expenses can be discussed and negotiated.

All contract budgets are subject to review by the Office of the State Comptroller and subject to the terms of the New York State Contract for Grants and IOLA regulations.

Note: This is a correction to the answer provided in the 9/30/2024 Q&A.

Question 54: Would IOLA support funding litigation expenses for other grants with limited litigation expense budgets? Would the case need to be for a client that fell within IOLA's legal services eligibility?

Answer: IOLA grants awarded under this RFP support general operating expenses. Using IOLA funds for litigation expenses for clients falling within IOLA's client eligibility guidelines set forth in the IOLA Fund regulations 21 NYCRR Part 7000.14 would be allowable.

Question 55: We have heard that some organizations are intending to use IOLA funds for pay parity and have plans to match pertinent government agency salary scales in an effort to attract and retain talent. Considering the eligibility limitations for clients to receive legal services funded by IOLA, how can this idea be executed functionally across all agency programs? Would IOLA cost share all agency programs in this scenario? What would documentation requirements look like?

Answer: IOLA grants awarded under this RFP support general operating expenses, including personnel services. Using IOLA funds for pay parity would be allowable. IOLA supports sound infrastructure that makes excellent civil legal aid programs possible.

How programs decide to set up cost centers and account for IOLA funds will vary program by program. If awarded, details can be discussed during the contract negotiation period. Documentation requirements will be discussed in the event of an audit or expense review.

Question 56: Are there limitations on subcontracting?

Answer: The IOLA Fund supports collaboration. If awarded, subcontracts can be discussed at the time of contract negotiation.

Applicants with IOLA-funded subcontracts should pay special attention to NYS Contract for Grants §III.B. In particular, all subcontracts in excess of \$100,000 must include the provisions required by NYS Contract for Grants §III.B.(2) and be submitted to IOLA for review and approval prior to execution and a final executed copy of the subcontract must be filed with IOLA. In addition, subcontractors will be required to submit a Vendor Responsibility Questionnaire and proof of Worker's Compensation and Disability Insurance coverage to IOLA before a contract is submitted for execution. These subcontract documents are NOT necessary at the application stage.

Question 57: Given the 5-year contract term, does IOLA anticipate any changes to the current contract provisions regarding subcontracts exceeding \$100,000? For application purposes, should we assume that the \$100,000 threshold will apply to the total amount over the 5-year term, rather than per contract year?

Answer: The contract provisions regarding subcontracts and provisions regarding subcontracts totaling \$100,000 or more are set out in the NYS Contract for Grants Standard Terms and Conditions §III.B. These contract provisions will apply to the total amount over the 5-year contract term.

Question 58: Outside of including them in the narrative (per the IOLA RFP instructions), are subcontractors required to provide any documentation and/or are they subject to any of our IOLA RFP requirements (e.g., being prequalified in SFS?)

Answer: Proposed subcontractors do not need to be “Prequalified” in SFS or submit any documentation at the time of application.

Applicants with IOLA-funded subcontracts should pay special attention to NYS Contract for Grants §III.B. In particular, all subcontracts in excess of \$100,000 must include the provisions required by NYS Contract for Grants §III.B.(2) and be submitted to IOLA for review and approval prior to execution and a final executed copy of the subcontract must be filed with IOLA. In addition, subcontractors will be required to submit a Vendor Responsibility Questionnaire and proof of Worker’s Compensation and Disability Insurance coverage to IOLA before a contract is submitted for execution. These subcontract documents are NOT necessary at the application stage.

Question 59: What is the threshold for variance that would require a budget modification? How does this apply when an organization has vacancies on certain staff budget lines?

Answer: Contracts awarded under this RFP will be subject to the New York Contract for Grants, IOLA Specific Terms and Conditions, and Special Payment and Reporting Provisions, which will detail thresholds for budget modifications.

Salary and Fringe categories are flexible to the extent that the Contractor may allocate staff member expenses that vary from the originally approved contract budget, provided the staff members support the Contractor's civil legal services programming and the expenses do not exceed the budgeted amounts.

Question 60: Are there caps on fringe benefits that can be charged? Does IOLA allow salary bonuses to employees to be charged to the grant? What categories can be charged under occupancy?

Answer: IOLA grants awarded under this RFP support personal services expenses and OTPS, including fringe benefits, salary bonuses, and occupancy costs. IOLA does not have set dollar or percentage caps for individual budget categories.

If awarded, the grantee will be required to submit a detailed budget for the entire 5-year contract period. During this time, specific expenses can be discussed and negotiated.

All contract budgets are subject to review by the Office of the State Comptroller and subject to the terms of the New York State Contract for Grants and IOLA regulations.

Question 61: Does IOLA or New York State have a maximum fringe rate that is allowed?

Answer: IOLA does not have set dollar or percentage caps for budget categories. If awarded, the grantee will be required to submit a detailed budget for the entire 5-year contract period. During this time, specific expenses can be discussed and negotiated.

All contract budgets are subject to review by the Office of the State Comptroller and subject to the terms of the New York State Contract for Grants and IOLA regulations.

Question 62: Can grant funds be used for a Development Officer or Consultant?

Answer: IOLA grants awarded under this RFP support general operating expenses, including administrative expenses like development and finance staff. IOLA supports sound infrastructure that makes excellent civil legal aid programs possible.

IOLA funds can support both contract and FTE staff. To the extent an applicant plans on using contract staff, they should be identified in the “Contractual Services” section of the application budget.

Applicants with IOLA-funded subcontracts should pay special attention to NYS Contract for Grants §III.B. In particular, all subcontracts in excess of \$100,000 must include the provisions required by NYS Contract for Grants §III.B.(2) and be submitted to IOLA for review and approval prior to execution and a final executed copy of the subcontract must be filed with IOLA. In addition, subcontractors will be required to submit a Vendor Responsibility Questionnaire and proof of Worker’s Compensation and Disability Insurance coverage to IOLA before a contract is submitted for execution. These subcontract documents are NOT necessary at the application stage.

Question 63: Can we use IOLA funding for our database/technology updates for case management and reporting purposes?

Answer: IOLA grants awarded under this RFP support general operating expenses, including OTPS and technology/equipment expenses. Upgrades to a legal case management system or to other IT systems would be allowable. IOLA supports sound infrastructure that makes excellent civil legal aid programs possible.

If awarded, the grantee will be required to submit a detailed budget for the entire 5-year contract period. During this time, specific expenses can be discussed and negotiated.

All contract budgets are subject to review by the Office of the State Comptroller and subject to the terms of the New York State Contract for Grants and IOLA regulations.

Question 64: Are one-time technology upgrades (e.g. website redesign for our civil legal services program) eligible expenses for the budget?

Answer: IOLA grants awarded under this RFP support general operating expenses, including OTPS and technology/equipment expenses. One-time technology upgrades would be allowable. IOLA supports sound infrastructure that makes excellent civil legal aid programs possible.

If awarded, the grantee will be required to submit a detailed budget for the entire 5-year contract period. During this time, specific expenses can be discussed and negotiated.

All contract budgets are subject to review by the Office of the State Comptroller and subject to the terms of the New York State Contract for Grants and IOLA regulations.

Question 65: Would funds be allowed to be used for a program whose current funding may be sunseting in the near future?

Answer: IOLA grants awarded under this RFP support civil legal aid programs' general operating expenses. IOLA supports sound infrastructure that makes excellent civil legal aid programs possible.

Subject to the client financial eligibility guidelines set forth in the IOLA Fund regulations at 21 NYCRR Part 7000.14(a), IOLA funds may be used for programs whose current funding may be sunseting in the near future.

Question 66: Do equipment lease expenses belong in the "Equipment" category or in the "Operating Expense" category?

Answer: Equipment lease expenses belong in the "Equipment" category.

Eligibility & CLS/AOJ Classification

Question 67: Are applicants eligible for awards from both Civil Legal Services (CLS) and Administration of Justice (AOJ)? Are applicants required to indicate their self-identification as an CLS or AOJ provider?

Answer: No, applicants are not eligible for both CLS and AOJ funding. IOLA will decide in its sole discretion whether an applying entity is to be considered CLS or AOJ pursuant to Section 7000.12 of the Trustees Regulations, as well as based on the application and all supporting documents submitted by an applicant.

No self-identification as a CLS or AOJ provider is required.

Question 68: How do you define administration of justice for AOJ applicants?

Answer: The definition of Administration of Justice (AOJ) is set out in the IOLA Trustees Regulations Section 7000.12:

“Administration of Justice (AOJ) – Provides services that seek to:

a) enhance civil legal services to low income persons through innovative and cost-effective means;

b) provide direct civil legal services either to groups of clients currently underserved by legal services (such as the elderly or disabled), or in an area of representation (whether substantive or geographical) that cannot be or is not effectively served by individual qualified legal services providers;

c) provide 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; or

d) otherwise promote the improvement of the administration of justice.”

Question 69: What can an applicant do to ensure their program falls under CLS instead of AOJ for funding?

Answer: IOLA will, in its sole discretion, decide whether an applying entity is to be considered CLS or AOJ pursuant to Section 7000.12 of the Trustees Regulations, based on the application and all supporting documents submitted by an applicant.

Regardless of whether an applicant believes it would be categorized as a CLS or an AOJ provider, applicants should simply answer the question prompts provided in the RFP.

Question 70: Our organization provides civic restoration services but does not provide direct legal services, are we eligible to apply as a Civil Legal Services and/or Administration of Justice provider?

Answer: IOLA funding supports civil legal aid programs that serve low income New Yorkers. To the extent that the services fall within the definition of CLS or AOJ, are 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 described on page 4 of the RFP and set out in full at 21 NYCRR Part 7000.12, then the applicant is likely eligible for IOLA funding.

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

Regardless of whether an applicant believes it would be categorized as a CLS or an AOJ provider, applicants should simply answer the question prompts provided in the RFP.

IOLA will decide in its sole discretion whether an applying entity is to be considered CLS or AOJ pursuant to Section 7000.12 of the Trustees Regulations, as well as based on the application and all supporting documents submitted by an applicant.

Question 71: Our project operates under a parent non-profit with many other projects and all of our financials are run through this parent organization. Our project is planning to separate from the parent organization in the coming year and operate under our own 501(c)(3). How does this affect our application?

Answer: All applications must come from an eligible organization; the IOLA Fund's eligibility criteria for grant recipients is described on page 4 of the RFP and set out in full at 21 NYCRR Part 7000.12. Organizations must be non-profit entities, tax exempt under section 501(a) of the Internal Revenue Code, including organizations designated to be 501(c)(3) non-profits.

In the above instance, if a project is not its own separate eligible non-profit entity, the application must be submitted from the parent organization. If awarded, the contract would be awarded to the parent organization.

If a contract is awarded to a parent organization and the applying legal services project "spins off", the contract would stay with the parent organization. How the project negotiates its contractual relationships with the parent organization is at the discretion of the project and parent organization.

While IOLA has experience with (1) parent organizations that subcontract to "spun off" projects, and (2) "spun off" projects that ask the parent organization to assign their IOLA contract to them, contract assignments are **not a guarantee**. The Office of the State Comptroller's [Guide to Financial Operations](#) governs contract assignments. The IOLA Fund cannot guarantee a contract assignment to any entity.

Statewide Financial System (SFS)

Question 72: How do I complete the registration process?

Answer: To respond to the FY 2026-2030, applicants must be registered in the NYS Statewide Financial System. Visit <https://grantsmanagement.ny.gov/register-your-organization-sfs> for information and instructions on how to register your organization with SFS. Note that registration with SFS is NOT the same as “Prequalified” status.

Question 73: Will there be an extension granted for delays due to the technical issues with SFS?

Answer: No. Extensions will NOT be granted due to technical issues with SFS. IOLA encourages applicants to start the SFS submission process early so that any issues can be resolved before the application deadline. Applicants should reach out to the SFS Helpdesk with any questions as early as possible.

Question 74: How long does it take to get “Prequalified,” if we are applying for Prequalification for the first time?

Answer: Applicants should expect Prequalification to take *at least* a week. The NYS Prequalification Specialist reviewing the Prequalification application may request more information once submitted.

Question 75: Can IOLA confirm if I am “Prequalified” in SFS?

Answer: Prequalification status can be checked in SFS. For technical assistance with Prequalification, please contact the SFS Helpdesk at HelpDesk@sfs.ny.gov

Question 76: Our “Prequalified” status expires on 11/15 (after the application deadline). Will this impact our eligibility?

Answer: Applicants must have “Prequalified” status at the time of the application deadline (10/28/2024 at 12 p.m. ET). Prequalification status expiring after the application deadline will not affect an application’s eligibility to be reviewed. If awarded, grantees must have “Prequalified” status at the time of contracting.

Question 77: Our organization's prequalification was Prequalified in Grants Gateway and carried over into SFS during the January 2024 transition. In SFS, our organization shows as “Prequalified” but no expiration date is listed. What should we do?

Answer: During the Grants Gateway to SFS transition, Prequalifications were converted. However, SFS urges applicants to check their Prequalification Status in SFS to ensure information converted correctly. Prequalification dates are based on Fiscal Year end dates. If you are unsure of your organization’s Prequalification status in SFS or Expiration Date, reach out to the SFS Helpdesk at HelpDesk@sfs.ny.gov.

Question 78: Can my organization work on the application in SFS while we are in the process of getting “Prequalified”?

Answer: You can work on both the IOLA application and the NYS Prequalification at the same time in SFS. However, you will NOT be able to submit a response to the Bid Event if your organization does not hold “Prequalified” status.

Question 79: What does accepting the invitation to bid in SFS entail?

Answer: You do not need to “Accept” the invitation to bid in SFS, as this does not initiate the Bid Response. To initiate the application, use the “Bid on Event” button.

Question 80: Once we have initiated the Bid Response in SFS and save an initial draft, how can I navigate back to the Bid Event if I am completing the application in more than one sitting?

Answer: In SFS, you can use the “Bid Response Search” to go back to an in-process application.

Question 81: I am trying to save my draft bid in SFS to work on later, but the system says all required fields must be completed before saving. Is there any way to save a draft of the bid response?

Answer: To save the Bid Response, the following information under “Bidder Contact Information” must be completed; name, email, telephone, Site/Project Address. The “Site/Project Address” is a link where the organization’s main administrative office should be entered.

Question 82: Can multiple people work on the bid response in SFS? If so, does each person have to accept the invitation or bid on event to make changes?

Answer: Multiple people can work on the bid response in SFS, as long as they have the proper roles. Each person does not have to accept the bid invitation in order to make changes to the bid response. Those with the proper role access should use the “Bid Response Search” to navigate to in-process applications by your organization. If users are experiencing technical problems, or have questions about role access, please reach out to the SFS Helpdesk at HelpDesk@sfs.ny.gov.

Question 83: In Grants Gateway, there were text boxes where applicants were prompted to input text, as well as upload attachments. Will SFS also have text answer boxes, or will it just be attachments? Is there a character limit for the text boxes?

Answer: For each narrative section and application document, SFS will prompt the applicant to upload a corresponding file; no text box input is required. For the Bid Event fields that do require a text box answer (e.g. Project Summary), the maximum number of characters allowed is 2,000 characters.

Miscellaneous

Question 84: Can you clarify the amount available under this RFP?

Answer: This RFP is for a total of up to \$562.5M. \$450M of this is allocated to CLS grants. The remaining \$112.5 is allocated to AOJ grants.

In preparing to release our RFP, DOB approved IOLA a 5-year grant, but indicated that at this time, it could not approve an RFP that would exceed the annual funding already built into the current Financial Plan, which is \$60M per year or \$300M for the 5 years – as compared with the \$562.5M that the Board authorized.

After discussions with DOB and the Comptroller's office, we were able to move forward with releasing the RFP by making clear in the RFP that contracts would be up to \$562.5M. IOLA will do everything it can to ensure that IOLA's appropriation and the State's Financial Plan allows us to grant out the full \$562.5M.

Question 85: In the past, AOJ grants have generally constituted 25% of the total grant amounts awarded. The recent Q&A indicates that only \$112.5M (or 20%) will be allocated to AOJ grants. Has IOLA reduced the percentage allocation to AOJ?

Answer: IOLA's Board of Trustees voted at the June 2024 board meeting to approve a 5-year RFP and a \$600M spending plan. This is consistent with IOLA's mission to provide stable funding to civil legal services programs.

This FY2026-2030 RFP is for a total of up to \$562.5M. \$450M of this is allocated to CLS grants. The remaining \$112.5 is allocated to AOJ grants. An additional \$37.5M has been allocated to the Justice Infrastructure Project and other AOJ grants in the coming 5 years.

Question 86: Will there be any form of application/renewal process between each year?

Answer: The contracts awarded from this RFP will be fixed-term contracts for a period of 61 months, with an anticipated start date of March 1, 2025 and end date of March 31, 2030. The first month of the contract (March 2025) is intended to be a planning period where no expenses can be incurred. As a fixed term contract, there will be no annual application/renewal process.

Question 87: Is there a separate RFP associated with the Justice Infrastructure Project, or is it simply an ongoing initiative/strategic focus for IOLA?

Answer: The [Justice Infrastructure Project \(JIP\)](#) is an ongoing strategic focus for IOLA. The [vision](#) of the JIP offers insight about IOLA's long-term strategic focus.

While the Justice Infrastructure Project may include additional vendor engagement, applicants whose work contributes to the vision of the Justice Infrastructure Project may incorporate this work into their application and funding request for this RFP, which supports general operations.

Question 88: Does IOLA prioritize returning applicants over new, or do we all have an equal chance for funding?

Answer: The IOLA Statute and Regulations prioritize returning grantees, in alignment with IOLA's mission of ensuring stability in civil legal services.

The up to 5 points for "grantees in good standing" is, in part, a way to operationalize IOLA's statutory imperative to ensure stable support for legal services. Fin. Law §97v(3)(f); 21 NYCRR Part 7000.12(c)(1), (3).

Question 89: Can you confirm that IOLA does not give priority to new projects?

Answer: IOLA seeks to invest in strong organizations that are serving important community needs by providing thoughtful civil legal services programming.

This may - but does not necessarily - include new projects that expand work an organization is already performing or respond to a previously unmet need.

Question 90: As a new applicant, are there any specific guidelines we should know about?

Answer: There are no specific guidelines separate and apart for new applicants.

Question 91: Will there be quarterly or annual reporting?

Answer: IOLA Grantees are expected to submit quarterly programmatic and financial reports, as well as an annual Grantee Activity Report (GAR).

Question 92: What are the seven geographical units IOLA covers?

Answer: A map of the seven IOLA units can be found in the application documents package in the "Additional IOLA RFP Documentation" folder.

Question 93: Where can we find a list of IOLA grantees?

Answer: A list of current IOLA grantees for the FY24-25 grants can be found on iola.org.

Question 94: To what extent does IOLA perform “desk audits” and ask for backup documentation of expenses?

Answer: IOLA routinely conducts desk audits of grant contracts. IOLA generally notifies grantees in advance of expected expense documentation reviews.

IOLA or the Office of the State Comptroller may also request expense documentation for any individual payment.

Grantees are expected to maintain expense documentation backup to substantiate vouchered expenses. Vouchers and payments may be subject to OSC review and audit procedures.

Question 95: I was unable to attend the Pre-Bid Conference. Is a recording of the webinar available for viewing? Will the slides be shared?

Answer: No, a recording of the Pre-Bid Conference is not available for viewing and the slides are not shared. Questions answered at the Pre-Bid Conference have been written and incorporated into the Questions & Answers document.

Question 96: Can you (re)share the NYS Poverty Population by IOLA Unit and County for the FY24-25 funding cycle for the purposes of comparison?

Answer: The NYS Poverty Population by IOLA Unit and County used for the IOLA FY24-25 funding cycle is data from the [U.S. Census Bureau’s 2020 Poverty and Median Income Estimates from the Small Area Income and Poverty Estimates \(SAIPE\) Program](#), accessed December 2021.

The IOLA CLS Unit Map has not changed since the FY24-25 RFP. The IOLA CLS Unit Map can be found in the FY26-30 RFP application package.

Question 97: For the Q&A documents you are producing/updating, will/can the updated versions highlight changes since the previous versions?

Answer: No, changes are not highlighted in updated versions of the RFP Q&A documents. IOLA will generally add new questions to the end of the document, with the exception of the final version. The final version is organized into topic areas.