

SOLICITATION OF INTEREST

Title: Expanding Safe and Supportive Medical and/or Procedural Abortion Access in New York State Phase Two

AGENCY: Health, NYS Dept. of

Division: Center for Community Health, Division of Family Health

Contract Number: TBD

Contract Term: 1/1/2023 - 12/31/2023

Date of Issue: 7/22/2022

Due Date/Time: 8/12/2022 4:00PM

County(ies): All NYS counties

Classification: Medical & Health Care

Opportunity Type: Grant or notice of funds availability

Description:

The New York State Department of Health (NYSDOH) announces the availability of funding through this Solicitation of Interest (SOI) for Expanding Safe and Supportive Medical and/or Procedural Abortion Access in New York State (NYS). The anticipated term is from January 1, 2023, to December 31, 2023.

The purpose of this solicitation is to identify and provide funding to eligible organizations that can perform medical and/or procedural abortion services in NYS and can use this funding to expand access to medical and/or procedural abortion services in NYS.

On June 24th, the U.S. Supreme Court ruling in *Dobbs v. Jackson* reversed the landmark 1973 *Roe v. Wade* case that guaranteed the constitutional right to abortion. It is anticipated that more than half of states could ban abortion according to the Guttmacher Institute. Nine states have pre-*Roe* bans that could be enforced with the decision, and thirteen states have "trigger bans" in place, meaning that abortion was immediately banned with the Supreme Court ruling.

NYS has a long history of providing safe and lawful abortion service access for five decades, including three years before the Court decided *Roe*, and is affirming our commitment as a safe harbor. On May 10, 2022, in anticipation of the U.S. Supreme Court overturning *Roe v. Wade*, Governor Hochul announced a nation-leading \$25M Abortion Provider Support Fund to expand NYS's provider capacity – ensuring continued access for those seeking abortion care in New York State. Led by the NYSDOH, funding will be awarded in two phases. In Phase One of this effort, \$10M was made available to organizations funded under RFA #18606 / Grants Gateway

#DOH01-CFPP2-2021 – Comprehensive Family Planning and Reproductive Health Program and that provided medical and/or procedural abortions in the past twelve months.

This Solicitation of Interest is Phase Two and makes \$15M available to support access to medical and/or procedural abortions. This funding opportunity is being made available to increase access to abortion services. Funding may not be used to supplant current staff and/or operational costs. Funding is intended to support individuals in communities with limited access or where access may be impacted negatively if other States ban or severely limit access to abortion services.

Minimum Eligibility Requirements:

To be considered for an award, applicants must meet ***all*** of the following minimum eligibility requirements:

- The organization that must attest their willingness to enter into a binding Master Grant Contract with NYSDOH in writing without change or amendment. Standard Terms and Conditions is available here: <https://grantsmanagement.ny.gov/state-agency-resources>.

AND

- The organization did not receive funding from the **Expanding Safe and Supportive Medical and/or Surgical Abortion Access in New York State Phase One** opportunity.

AND

- The applicant is a facility that is regulated under Article 28 of New York State Public Health Law or the applicant is a health care practitioner licensed, certified, or authorized under title eight of New York State Education law who is acting within their lawful scope of practice, and will attest in writing to using the funding to expand access to medical and/or procedural abortions in New York State.

Geographic Funding Distribution:

Funding will be allocated using the state’s ten Regional Economic Development Council (REDC) regions (see attachment 8; REDC map) in the following manner:

- 70% total funding (\$10.5M) to three REDC regions: Western NY (region 10), Southern Tier (region 9), and NYC (area 7).
- 30% total funding (\$4.5M) to the seven remaining REDC regions.
- If an organization has multiple clinic sites that span multiple REDC regions, the dollar amount for the satellite clinics will be factored into the REDC region allocation where the domicile of the primary location of the entity resides.

If funding in one REDC region cannot be fully allocated, all remaining funding from that REDC region will be redistributed using the 70%-30% total funding distribution method to the remaining REDC regions to fund additional eligible applicants above the initial allotted dollar amount for that REDC region.

Funding will allocated in the following priority order:

1. Family Planning Programs funded under RFA #18606 / Grants Gateway #DOH01-CFPP2-2021 – Comprehensive Family Planning and Reproductive Health Program at the time of notification of award for the Expanding Safe and Supportive Medical and/or

Procedural Abortion Access in New York State Phase Two funding. Family Planning Programs funded under the **Expanding Safe and Supportive Medical and/or Surgical Abortion Access in New York State Phase One** opportunity are not eligible for Phase Two funding.

And then

2. Applicants with experience performing medical and/or procedural abortions in the past 12 months.

In the event we cannot fund all, we will prioritize by the applicant's:

- a. Self-reported ability to expand abortion services based on number of additional abortion services that would be supported by this funding.

And then

3. Applicants without experience providing medical and/or procedural abortions and that are facilities regulated under Article 28 of New York State Public Health Law or applicants that are health care practitioners licensed, certified, or authorized under title eight of New York State Education law who is acting within their lawful scope of practice, and will attest in writing to using the funding to expand access to medical and/or procedural abortions in New York State.

In the event we cannot fund all, we will prioritize by the applicant's:

- a. Self-reported ability to expand abortion services based on number of additional abortion services that would be supported by this funding.

Funding Methodology:

Funding amounts will be awarded using the following criteria:

1. Each organization is eligible for a \$300,000 base award.

AND, if applicable, either of the following two:

- a. An additional \$50,000 in funding will be awarded for each distinct clinic which must be at a different address, located in New York State, and operated for the purpose of expanding access to abortion services.

OR

- b. Additional funds will be awarded based on the number of abortions provided during the calendar year 2021, or, if more current data are available, from 7/1/21-6/30/22. Organizations must report this information as part of the application (see attachment 1; Application) and attest to its accuracy. The additional funding available by volume group is provided in the table below based on self-reported volume of abortion services provided during the previous 12-month period (July 2021-June 2022) if available or use calendar year 2021.

Number of Abortions Performed	Additional Funding to add to Base
0	no additional funds
1-25	\$5,000
25-99	\$10,000
25-199	\$20,000

200-499	\$40,000
500-999	\$60,000
1000-3999	\$150,000
4000+	\$250,000

Applicants will either:

- calculate the number of additional clinics and multiple by \$50,000 and sum the total,
OR
- determine the funding available based on the volume of patients seen in the past 12 months.

To determine the maximum amount of funding the applicant is eligible to apply for, the applicant will add this additional funding amount to the to the base \$300,000 award.

Example:

2 Sites, 250 Abortions Performed

A. $\$300,000 + \$50,000$ for 1 additional site = $\$350,000$

B. $\$300,000 + \$40,000$ based on a patient volume of 250 = $\$340,000$

Eligible Costs:

Eligible expenses*: This funding opportunity is being made available to increase access to abortion services and not to supplant current staff. The following expenses are deemed eligible but not required as part of the budget, depending on the organization’s need.

- Costs to recruit, hire, and maintain new clinical/medical staff who can provide abortions under their licensure or who can support the provision of abortion services under the supervision of a clinical staff person. Examples include:
 - Posting recruitment to recruiting sites with fees, costs for head hunting firms, costs to recruit
 - Salary and fringe
- Costs to increase the number of hours, days, and/or alternate times (e.g., extended hours and weekends) for currently employed clinical staff to provide increased access to abortion services. Examples include:
 - Overtime to add shifts
 - Shift differentials for extended/alternative hours during the week or weekends
- Cost associated with medical and/or procedural abortion training for new or existing clinical staff.
- Unreimbursed costs of medical and/or procedural abortion services, including medication and primary care preventive services, such as STI testing or contraception counseling and provision of contraception, that are provided at the time of the abortion visit, provided no other funding source, such as Medicaid or commercial insurance under purview of NYS Insurance law, is available (i.e., payer of last resort).
 - Note: Medicaid rate will be used as the rate of reimbursement. If any insurance has reimbursed a dollar amount that is the same or more than the Medicaid rate,

the service will be considered fully reimbursed and not eligible for reimbursement under this funding opportunity.

- Costs of purchasing, leasing, or maintaining medical/procedural equipment, such as internal ultrasound, examination table, or other needs such as telehealth infrastructure to expand access.
- Costs for overhead for the facility or operations as result of expanding access, which may include pro-rated costs for new space or existing space that will support expanded access, medical waste costs, laboratory costs, or other associated costs.
- Costs to support care management and navigation that are new or enhanced services to help individuals navigate the process of care and gain access to abortion services, which has the potential to increase the facility's ability to provide those services. Funds cannot be used to supplant existing support for staff.
- Increased costs associated with additional reporting requirements (e.g., NYS vital statistics) and/or billing/claiming activities from expanded access to services.
- Outreach and marketing costs to ensure people are aware that abortion services are available from the organization.

Excluded Costs:

Ineligible Expenses*: This funding cannot be used to supplant existing resources. The funding is intended to increase capacity and provide greater number of abortion services. Additional ineligible expenses include:

- Security related expenses
- Any travel expenses for patients
- Executive or administrative salaries
- Abortion services provided to an individual who is not physically located in New York State at the time of the abortion service.

*Note: The Department reserves the right to update, modify, or amend the types of expenses that are allowed or disallowed under this funding opportunity.

Award Details:

Funding for this project is contingent on the availability of State funds and the number of eligible applicants that respond to the advertisement. Available funding to support this initiative will be limited to the amount(s) appropriate in the enacted State Fiscal Year budgets for this purpose.

This advertisement is not a guarantee or promise of funding.

The Department reserves the right to withdraw this solicitation and/or issue a competitive procurement for this project if the number of interested and eligible parties exceed that which can be reasonably accommodated by available funds.

Written questions will be accepted until 4 pm, July 29, 2022. All questions should be submitted electronically to the email address: nysabortionaccess@health.ny.gov. All questions should be submitted with the subject line “**Expanding Safe and Supportive Medical and/or Procedural Abortion Access in New York State Phase Two SOI Questions.**” In the event that any

updates and/or clarification of information are warranted, information will be posted in the Contract Reporter under the tab “Documents” for this announcement. Responses to questions received by July 29, 2022 and will be posted on or about August 5, 2022.

How to Apply:

To be considered for funding, an applicant must complete and upload the application (see attachment 1; Application) to nysabortionaccess@health.ny.gov. Only one application per organization will be accepted.

The project proposal must contain the following:

- The number of clinics and the location(s), including street address and county, of clinic(s) or professional office (s) of the applicant where abortion services will be provided.
- Number of clinical providers who are currently performing medical and/or procedural abortions.
- The number of medical abortions provided in calendar years 2017, 2018, 2019, 2020, and 2021, and if available from 7/1/21-6/30/22.
- The number of procedural abortions provided in calendar years 2017, 2018, 2019, 2020, and 2021, and if available from 7/1/21-6/30/22.
- The anticipated increase in the number of medical and/or procedural abortion access that could be made available with the funding.
- The completed Budget form (Attachment 3; Budget Request) detailing how you intend to allocate the funding. Applicants should determine amount requested not to exceed the maximum Base Award, plus any additional funding allowed based upon the criteria above.
- The completed Workplan form (Attachment 4; Workplan) of activities being proposed to support access to medical and/or procedural abortions.

An internal review of applicant’s submissions will determine eligibility. All eligible organizations will be included in the funding formula.

Contact Information

Primary contact: Health, NYS Dept. of
Center for Community Health
Division of Family Health
Kirsten Siegenthaler, PhD
Director
nysabortionaccess@health.ny.gov.

Submit to contact: Health, NYS Dept. of
Center for Community Health
Division of Family Health
Kallyn Alexander
Health Program Administrator
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Documents – **All supporting documents detailed below are available for download.** To download these documents, please visit the New York State Contract Reporter website: <http://www.nyscr.ny.gov>.

#	Document Title	Description	Format	Required
1	Application (2 Pages)	Complete this form, including the attestation. If possible, submit all documents in one PDF file. If you need to send separate files, please make sure the name of the organization, the SOI #, and the document title is listed in the header/name of each file. Please submit these documents via email to nysabortionaccess@health.ny.gov with the subject line “Expanding Safe and Supportive Medical and/or Procedural Abortion Access in New York State Phase Two” no later than 4:00pm August 12, 2022.	.doc	Yes
2	Program Guidelines and Budget Instructions	For reference, this document provides guidelines for the funding and instruction for how to complete the budget request which is required to be submitted with the application.	.doc	No
3	Budget Request	This is required to be completed and submitted with the application. Instructions are provided in the Program Guidelines and Budget Instructions document attached for reference.	.xls	Yes
4	Work Plan and Instructions	This is required to be submitted with the application.	.doc	Yes
5	Additional Funding Budget Justification	This is an optional form. Organizations may complete this budget justification in combination with the additional funding budget request to indicate what additional funds would be needed and for what purpose.	.doc	Optional
6	Additional Funding Budget Request	This is an optional form. Organizations may complete this additional funding budget request in combination with the additional funding budget justification to indicate what additional funds would be needed and for what purpose.	.xls	Optional
7	Vendor Contact Form	This form is required to document the primary points of contact for the organization applying for this specific funding opportunity. Please complete to the best of your ability.	.doc	Yes
8	REDC Map	For reference, this is the map of the state’s Regional Economic Development Council Regions with colors assigned to each region. Counties are listed with the region within this file.	.xls	No